



PERSONNEL HANDBOOK

For The

CITY OF REEDSBURG

Approved by Common Council 12/12/2011

Amended 01/23/2012

Amended 10/22/2012

Amended 03/11/2013

Amended 06/10/2013

Amended 02/10/2014

TABLE OF CONTENTS

	Page
SECTION 1. EMPLOYMENT.....	5
100 Employee Relations Philosophy	5
101 Organization Description	5
102 Scope.....	5
103 Equal Employment Opportunity	6
104 Classification of Employees	6
105 Position Descriptions	7
106 Hiring	7
107 Application Information.....	8
108 Pre-employment Physicals and Testing.....	8
109 Orientation Period	8
110 Performance Evaluations	9
111 Layoffs and Furloughs	9
112 Outside Employment	9
113 Employee Records and Retention.....	9
114 Employment of Relatives.....	15
115 Residency.....	15
116 Reference Checks.....	15
SECTION 2 PAID TIME.....	16
201 Hours of Work	16
202 Base Wage Rates.....	16
203 Payday.....	16
204 Payroll Deduction	16
205 Fair Labor Standards Policy.....	16
206 Call-in	22
207 Work in Higher Classifications.....	22
208 Holidays	22
209 Vacation	24
210 Sick Leave.....	25
211 Funeral Leave.....	26
212 Jury Duty.....	27
213 Military Leave.....	27
214 Workers Compensation.....	27
215 Family Medical Leave (Appendix A)	27
216 Leave of Absence.....	27
217 Inclement Weather	28
218 Work Travel and Expenses	28
219 City-owned vehicles.....	31
220 Uniform Allowance	31

SECTION 3 BENEFITS	32
301 Health Insurance	32
302 Vision Insurance	32
303 Dental Insurance	32
304 Life Insurance	32
305 Retirement.....	33
306 Cafeteria Plan.....	33
307 Education Assistance Program	33
308 Licenses.....	34
309 Disability Insurance	34
SECTION 4 GENERAL POLICIES	35
401 Code of Ethics.....	35
402 Sexual and Other Harassment.....	41
403 Violence Free Workplace	48
404 Alcohol and Controlled Substances	49
405 Employee Assistance Program	50
406 Solicitation	51
407 Electronic Communications And Access to Information	52
408 Credit Card Usage.....	57
409 Chain of Command.....	58
410 Light Duty	59
411 Citizen Complaint	61
412 Open Records.....	62
SECTION 5 WORK RULES.....	66
501 Personal Appearance.....	66
502 Tobacco.....	66
503 Safety	66
504 Housekeeping.....	66
505 Tools and Equipment	67
506 First Aid or Injury	67
507 Attendance and Punctuality	67
508 Personal Appointments	68
509 Personal Communications	68
510 Work Performance	68
511 Use of City-Owned Property	69
512 Personal Actions and Appearances.....	69
513 Outside Activities and Employment	71
514 Political Activities.....	71

SECTION 6 DISCIPLINARY AND TERMINATION PROCEDURES	73
601 Discipline	73
602 Separation from Service.....	76
603 Grievance Process	77
APPENDIX A – Family Medical Leave.....	81
APPENDIX B – Purchasing Policy	88
APPENDIX C – Disposal of City Property	104
APPENDIX D – ADA Title I	108
APPENDIX E – ADA Title II Policy	114

Preamble

None of the statements, policies, procedures, rules, or regulations contained in this Handbook constitutes a guarantee of employment, a guarantee of any other right or benefit, or a contract of employment, express or implied.

The City of Reedsburg ("the City") reserves the right to modify, revoke, suspend or terminate any or all of the plans, policies and procedures described in this Handbook at any time, in its sole discretion and without prior notice. This Handbook supersedes any and all previous labor agreements, handbooks, statements, policies, procedures, rules, or regulations whether verbal or written.

City employees are employee's at-will. This means that either the City or the employee may terminate the employee's employment at any time for any reason, with or without cause and with or without notice, so long it is not for an illegal purpose. Only the City Administrator ("Administrator") and the Common Council have the authority to make any employment agreement. The Administrator is responsible for the administration of the policies described in this Handbook. Final interpretation of any of the policies in this Handbook is vested solely with the City. Any employee who has a question regarding its application and interpretation should contact the Administrator. Throughout this document, duties and decisions assigned to the Administrator may be performed by other officials designated by the Administrator.

ACKNOWLEDGMENT AND RECEIPT OF EMPLOYEE HANDBOOK

The undersigned hereby acknowledges receipt of a copy of the City Employee Handbook. The employee is responsible for knowing and complying with these policies. The undersigned acknowledges that nothing contained in this Handbook, including policies, practices, and benefits, are intended to create any contractual right, express or implied, to employment or to any particular term or condition of employment. The undersigned also acknowledges that the City reserves the right to revise, amend or terminate any policy unilaterally without notice at any time.

Employee Name – Printed

Employee Signature

Witness

Date

SECTION 1 EMPLOYMENT

100 Employee Relations Philosophy

The City of Reedsburg ("the City") is a service organization and its employees are one of its most important resources in providing services to the community. The City operates in a manner to deliver services to City taxpayers at the highest rate of efficiency and at the lowest possible cost while ensuring that the City's workforce is treated in a fair and equitable manner.

101 Organization Description

The City is governed by a Mayor/Council form of government. The Administrator is responsible to and under the general direction and policies of the Mayor and Common Council and shall be responsible for the proper administration of all City activities. The Administrator shall have administrative powers and responsibilities over all departments, department heads and employees of the City except for the following: sworn law enforcement officers, fire fighters, Reedsburg Utility Commission employees and employees of the Reedsburg Public Library. The Police and Fire Commissions have jurisdiction over discipline, hiring and firing of sworn law enforcement officers and the Reedsburg Volunteer Fire Department in compliance with Sec. 62.13(5), Wis. Stats. Utility employees are supervised by the Utility Manager or as directed by the Utility Commission. Library employees are responsible to the Library Board. The Reedsburg Library funding level is independently set by the Common Council and Sauk County Board, and the Library Board has oversight on how the funds are expended and have complete control, within set parameters, on hiring, firing, and discipline of Library employees.

The Common Council of the City of Reedsburg is made up of the Mayor, elected at large to a two-year term, and nine (9) Alderpersons two elected from each of four (4) aldermanic districts and one at-large, all to three-year terms. The following Commissions are appointed by the Mayor with confirmation by the Common Council. The Utility Commission consists of five members, two are officers of the City, three (3) are citizens, to serve five-year terms and have semi-autonomous oversight and management of the City's four utilities (water, telecom, electric and cable). The Police and Fire Commission is created pursuant to Wis. Stat. Sec. 62.13, made up of five (5) civilians to staggered terms of five (5) years. The Library Board is created pursuant to Wis. Stat. Sec 43.52. The Library Board has seven (7) members, one of which is a member of the Common Council appointed annually, six (6) members shall be appointed to serve staggered terms of three years.

102 Scope

City employment is at-will. Employees may be disciplined or terminated from employment in the City's discretion subject to the grievance policies adopted by the City.

A. Employees subject to this Policy

As used in these policies, "employee" shall mean any person employed on a full-time or part-time basis by the City, whether such employment is temporary or permanent. These policies also apply to:

1. Employees of the Reedsburg Utility Commission are employees covered by these policies provided the Utility has by resolution adopted these policies. In such case the term "City" shall be deemed to mean the "Utility."

2. Employees of the Reedsburg Police and Fire Departments. To the extent that the provisions of sec. 62.13, Wis. Stats., apply to such employees, the provisions of that statute take precedence over this Chapter; and,
3. Employees of the City Library. To the extent that the provisions of §43.58(4), Wis. Stats. apply, the provisions of that statute take precedence over these policies. To the extent the Library Board adopts policies different than these policies; the Library Board's policies take precedence for library employees.

B. Persons not subject to this Policy

These policies shall not apply to any of the following:

1. City officers and officials elected by popular vote;
2. City officers or officials elected to a term of office of fixed duration by the Common Council;
3. City officers or officials appointed to a term of office of fixed duration by the Mayor, including officers and officials who are subject to reappointment at the annual organizational meeting of the Common Council.

C. Union Employees

To the extent that provisions of this Handbook are not in conflict with the provisions of any collective bargaining agreement covering City employees, these policies shall apply to union employees. In any case where there is a conflict between these policies and a collective bargaining agreement, the terms of the collective bargaining agreement shall supersede the provisions of these policies.

D. Department Rules and Policies

City departments may enact their own rules and policies governing practices within those departments so long as they are not in conflict with the provisions of these policies. All department rules and policies shall be provided to the City Administrator and Personnel Committee.

103 Equal Employment Opportunity

The City shall not discriminate against any employee or applicant for employment on the basis of age, race, religion, color, sex, national origin, ancestry, handicap, physical condition, disability, arrest or conviction record, sexual orientation, marital status, military participation, or any other characteristic protected by law in any personnel action.

City employees shall fully support this non-discrimination policy through leadership and personal example. In addition, it is every City employee's duty to help create a job environment that is conducive to effective equal employment opportunity.

104 Classification of Employees

- A. Employees shall be classed as full-time, part-time or temporary employees.

- B. Full-time employees are those employees who are normally scheduled to work a regular work week of forty (40) hours, fifty-two (52) weeks per year less holidays and vacations.
- C. Part-time employees are those employees who are normally scheduled to work less than a regular forty (40) hour week fifty-two (52) weeks per year less holidays and vacations. Except as otherwise provided, part-time employees do not receive benefits.
- D. Temporary employees are those employees normally working an irregular, occasional schedule depending upon the City's needs, employees hired for a limited time such as for summer work or employees who report for work only when called. Except as otherwise provided, temporary employees shall not be entitled to receive or participate in employee benefits.
- E. A temporary change in the number of hours per week that an employee works shall not be deemed to change the employee's status.

105 Position Descriptions

The Administrator shall develop and maintain position descriptions and job specifications for all regular full-time and part-time positions. The position descriptions should include the position title, the reporting relationship, a specific statement of job responsibilities, minimum qualifications, special requirements, exempt or non-exempt status, and the physical characteristics needed to perform in the position.

A position description shall be reviewed each time there is a vacancy in a position to determine the accuracy of the job description and at a minimum every three (3) years. Any substantive change in the job description must be submitted to the Common Council, through the Personnel Committee, for adoption.

106 Hiring

When a vacancy occurs with respect to an authorized City position or if the City authorizes a new position, the following procedures will be followed:

- A. General City position
 - 1. A vacated position must be authorized to be filled by the Administrator.
 - 2. The job opening will not be filled until the position has been posted or advertised for a period of ten (10) working days.
 - 3. The selection of any applicant to fill the position will be accomplished by review of applications. The City may also conduct oral interviews and appropriate testing as part of the hiring process.
 - 4. The selection of any applicant to fill a job opening shall be made on the basis of relative ability to perform the position's job duties, experience and qualifications as determined by the City. The final hiring decision will be made by the Administrator, or for Department Head positions the Common Council upon recommendation from the

Personnel Committee. The City reserves all rights to establish job requirements, to determine an applicant's qualifications, and to select an applicant based on these considerations who the City determines to be the best qualified applicant for employment.

5. The City may temporarily fill a position while processing the filling of the permanent vacancy.

B. Police and Fire Departments

1. A vacated position must be authorized to be filled by the Administrator.
2. For sworn police officers and fire fighters the position will be filled by the Police and Fire Commissions pursuant to procedures adopted by the Police and Fire Commissions under §62.13(5), Stats.

C. Library

The job opening will be filled by the Library Board with respect to the Head Librarian position or by the Librarian for any other position pursuant to §43.17, Stats.

107 Application Information

The City relies on the information supplied during the application and hiring process and assumes that such information is correct. Any applicant who omits or provides incomplete material data or misrepresents information may be excluded from consideration or, if already employed, may be subject to disciplinary action, including termination of employment.

108 Pre-employment Physicals and Testing

As part of the City's employment procedures, all applicants are required to undergo a post-offer, pre-employment, medical examination and alcohol and drug screen conducted by a physician designated by the City and at the City's expense.

Any offer of employment that an applicant receives from the City is contingent upon, among other things, satisfactory completion of this examination and screening and a determination by the City and its examining physicians that the applicant is capable of performing the essential functions of the position that has been offered, with or without a reasonable accommodation.

Questions about medical examinations or alcohol and drug screenings should be directed to the Administrator.

109 Orientation Period

An employee who begins employment in a new position or moves into an existing position shall serve an introductory period. This period gives the employee the opportunity to complete training and orientation to the new position. The length of the introductory period shall be six month unless specified differently at the time of the offer of employment. During the introductory period, the employee's pay

rate may be established at a lower rate than the position's regular wage rate. Upon satisfactory completion of the introductory period, the employee's wage rate will increase to the regular wage rate. If a newly hired city employee is terminated during their orientation period, the employee shall not be entitled to payout for accumulated sick leave.

110 Performance Evaluations

An employee may receive a written evaluation during the orientation period and annually after that. Factors addressed in the evaluation may include the employee's quality of work, quantity of work, dependability, adaptability, job knowledge, judgment, initiative, ability to get along with others, attitude and attendance. A performance review may or may not be accompanied by a change in salary or duties.

111 Reduction in Force

If the City decides to permanently or temporarily reduce the workforce, the determination of which positions will be subject to layoffs or furloughs, and the parameters of such, shall be within the City's discretion. Employees who are separated because of a reduction in force shall be given at least ten (10) working days notice of the anticipated action.

112 Outside Employment

The City does not preclude outside employment as long as it does not interfere with City work. The City shall be the employee's primary employer and each employee is expected to fully perform the employee's duties with the City. An employee shall give written notice of all outside employment to the employee's supervisor prior to the commencement of such employment.

113 Employee Records and Retention

This policy sets forth the records and retention schedule the City of Reedsburg is required to keep regarding its employees, per federal and state law.

A. Documentation

Maintenance of an employee's personnel file begins with accurate and complete personnel records from the date of hire. Important documents to be included in an employee's personnel file consist of: job description, offer of employment letter, job application, resume, W-4 Form, signed acknowledgement of receipt of employee handbook, emergency contact information, review of the City's code of conduct, an employee orientation checklist, [I-9 forms should be retained in a separate file], and other signed acknowledgement receipts of important policies.

The following records are typically obtained throughout the employment relationship and the importance of properly maintaining and updating this information cannot be emphasized enough:

1. Compensation records detailing the employee's history (i.e. salary recommendations, salary increases, decreases, denials of raises, notification of wage increases or decreases).
2. Form W-4.
3. Attendance records.
4. Pay advance request records, garnishment orders, authorization to release payroll information.

5. Performance evaluations, discipline records that document the discipline, training documents (*i.e. training history records, training program applications/requests, skills inventory questionnaire, training evaluation forms, in-house training notification letters, training expense reimbursement records*), benefit documents (*i.e. life insurance application, vacation accrual/taken form, request for leave of absence, retirement application, payroll deduction authorization, hazardous substance notification and/or reports, tuition reimbursement application and/or payment records, annual benefits statement acknowledgement, safety training/meeting attendance/summary forms*), and employee relations documents (*i.e. report of coaching/counseling session, EAP consent form, commendations, written warning notice, employee suggestion forms/status reports*).

Documentation supporting the end of the employment relationship should also be included in a personnel file. This documentation may include: resignation, documentation supporting a termination, layoff or reduction in force, exit interview form, exit interviewer's comment form, final performance evaluation, record of documents given with final paycheck, and COBRA (should be contained in the medical file) documents.

B. Exclusions

The subsequent list of documents should NOT be included in an employee's personnel file, but maintained in a separate, confidential, locked medical file:

- Medical records [i.e. pre-employment physicals, psychological evaluations, medical surveillance information, injury reports, medical questionnaires, workers' compensation reports, drug testing results].
- I-9 forms.
- FMLA medical certification, fitness-for-duty evaluation, or any tests or results from medical certification.
- Background investigation records [Should be restricted to those individuals directly involved in the hiring process].
- Safety records.

C. Changes/Updates/Additions

Employees must inform the City of any necessary updates to their personnel file, such as change of address, contact information, emergency contact, marital status, number of dependents, or military status. Employees should also inform their supervisor or Human Resources of any outside training, professional certifications, education, or any other change in status.

D. Inspection

The City is required to permit employees to inspect any personnel document used in determining that employee's qualifications for employment, promotion, transfer, additional compensation, termination or other disciplinary action, and medical records at least **2** times per calendar year, within **7** working days after the request for inspection, at a location reasonably near the employee's place of employment and during normal working hours. An employee involved in a grievance may designate in writing a representative of the employee's union or other designated representative to inspect the employee's personnel records which may have a bearing on the resolution of the grievance. The employee or employee's representative has a right to copy or receive a copy of the records. The City charges twenty-five cents per page.

The right of the employee or their designated representative to inspect personnel records does not apply to:

1. Records relating to the investigation of possible criminal offenses committed by that employee;
2. Letters of reference for that employee;
3. Any portion of a test document (except the cumulative test score);
4. Materials used by the City for staff management planning, including judgments or recommendations concerning future salary increases, bonus plans, promotions and job assignments or other comments or ratings used for planning purposes;
5. Information of a personal nature about a person other than the employee if disclosure of the information would constitute invasion of the other person's privacy;
6. Records relevant to any other pending claim between the City and the employee, which may be discovered in a judicial proceeding.

Information contained in personnel records that are disagreed upon may be removed or corrected, at the mutual agreement of the City and employee. At minimum, an employee may submit a written statement explaining their position, which shall be attached to the disputed portion of the personnel record. [The employee's statement must be included whenever the disputed portion of the personnel record is released to a third party, as long as the disputed information is part of the personnel file].

The inspection of medical records concerning employees shall be allowed unless the City believes that a disclosure of the record would have a detrimental effect on the employee. If that is the case the City may release the medical records to the employee's doctor or through a doctor designated by the employee.

E. Discrimination

An employee cannot be discharged or discriminated against due to a complaint being filed, for asserting his/her rights under Wisconsin's access to personnel files, or because an employee testifies or assists in any action to enforce any right under Wisconsin's law concerning access to personnel files.

F. Record Retention

The following table depicts the mandatory recordkeeping and retention schedules for records relating to Federal and Wisconsin employment laws. Records with different retention requirements under different laws must be maintained for the longest period. The minimum retention requirements do not apply when the records are part of litigation or the subject of a pending complaint (i.e. discrimination complaint); in those situations the records must be retained until the litigation or complaint is completely resolved.

AGE DISCRIMINATION IN EMPLOYMENT ACT (ADEA)		
Record	Description	Duration
Payroll	Name, date of birth, occupation, rate of pay, and weekly compensation.	3 years.
Employment	Employment records that include promotions, demotions, applications, layoffs, recalls, terminations, job advertisements, and employer administered tests or physical exams.	1 year.
AMERICANS WITH DISABILITIES ACT (ADA)		
Employment	Employment records like applications, requests for reasonable accommodations, promotions, selections for training and terminations.	1 year from the date the record was created or action was taken.
Apprenticeship Programs	A chronological list of the names, addresses, sex, race of all applicants, and date of application.	2 years from the date of application or the length of apprenticeship – (whichever is longer).
Apprenticeship Programs	All records made solely for completion of EEO-2 report.	1 year from the due date of report.
CONSOLIDATED OMNIBUS RECONCILIATION ACT OF 1985 (COBRA)		
Records	Notices, documentation of dates that reporting and disclosure documents were provided to employees, correspondence regarding eligibility determinations, and beneficiary and distribution forms.	6 years.
EMPLOYEE POLYGRAPH PROTECTION ACT (EPPA)		
Records	Investigation materials, notice to the examiner, and opinions, reports or records given by the examiner.	3 years from date the polygraph is conducted or from the date polygraph test is requested if no examination is conducted.
EMPLOYEE RETIREMENT INCOME SECURITY ACT (ERISA)		
Data	All data used to support summary plan descriptions and other records supporting plans or reports, including vouchers, worksheets, receipts & resolutions.	6 years after the filing date of the documents.
Records	Employee/beneficiary records relevant to benefits due or which may become due.	Kept for as long as relevant.
EQUAL PAY ACT (EPA)		
Payroll	Records that include definition of workweek, number of hours worked, pay rates, total wages and total deductions from wages.	3 years.
Records	Records describing the basis for wage differentials between employees of the opposite sex, such as wage rates, job evaluations, job descriptions, merit/seniority systems, & CBA	2 years.

EXECUTIVE ORDER 11246		
Record	Description	Duration
General	Affirmative action plan and supporting documents.	2 years.
	EEO-1 Reports	3 most recent reports
FAIR CREDIT REPORTING ACT (FCRA)		
Mandatory Recordkeeping	There are no federally mandated recordkeeping requirements under the FCRA. However, the statute of limitations for employee FCRA claims is 2 years, regardless of whether the employee knows of the violation.	
FAIR LABOR STANDARDS ACT (FLSA) & Wisconsin Administrative Code, DWD Chapter 272		
Payroll	Records that include name, address, date of birth, dates of employment, work hours, meal periods, rates of pay and wages paid, and additions to or deductions from wages as well as other documents setting forth wage information (such as collective bargaining agreements, sales and purchasing records, individual contracts, and other written agreements).	3 years.
FAMILY & MEDICAL LEAVE ACT (FMLA)		
Records	Basic payroll and identifying data, all records, notices, and policies pertaining to compliance with FMLA and documenting leave, leave requests and benefits.	3 years.
FEDERAL INSURANCE CONTRIBUTION ACT (FICA) & FEDERAL UNEMPLOYMENT TAX ACT (FUTA) & INTERNAL REVENUE CODE		
Records	Employment and payroll records.	4 years from date tax is due or paid, whichever is later.
HEALTH INSURANCE PORTABILITY & ACCOUNTABILITY ACT (HIPAA)		
Mandatory Recordkeeping	There are no federally mandated recordkeeping requirements under HIPAA. However, private employee health information must be held confidentially, and may not be included in the employee's general personnel records or disclosed to unauthorized personnel.	
IMMIGRATION REFORM & CONTROL ACT (IRCA)		
Employee ID (I-9) Form	Verification of the applicant's employment eligibility & identification documents.	3 years from the date of hire or 1 year after termination(which ever is later).
TITLE VII OF THE CIVIL RIGHTS ACT OF 1964		
Employment	Records like applications, hiring documents, promotions, transfers, layoffs, and terminations.	1 year from date record was created or action was taken.
	EEO-1 Reports	Current year.
VIETNAM ERA VETERANS' READJUSTMENT ASSISTANCE ACT (VEVRAA)		
Records	Employment and payroll records.	2 years.
	Affirmative action plan	Current year.
	VETS-100	Current report.

OCCUPATIONAL SAFETY & HEALTH ACT (OSHA)		
Records	Training records related to health & safety.	3 years.
	OSHA Logs & Reports (Form 300, 300A, 301).	5 years.
	Records of employee exposure to hazardous materials and bloodborne pathogens.	30 years after exposure.
REHABILITATION ACT OF 1973		
Records	Employment and payroll records.	2 years.
	Affirmative action plan.	Current year.
WISCONSIN RECORDKEEPING REQUIREMENTS		
Record	Description	Duration
Apprenticeship - Training Programs	Selected and rejected candidates that identify minority & female applicants & include: the applicants qualifications, the basis for evaluating & selecting or rejecting the applicant, interview documents, application, information about the operation of the program, job assignments, promotions, demotions, layoffs & affirmative action plans.	5 years.
Records	WI. Administrative Code, ADM Chapter 50, Contract Compliance - Affirmative action plan and supporting documents.	2 years.
Unemployment Records	WI. Administrative Code, DWD Chapter 110 Unemployment insurance records that include name, address, social security number, employment dates, wages, and dates of wage payments.	6 years from date employee last performed work.
WI. Withholding Certificates	Form WT-4 Employee's WI. Withholding Exemption Certificate, Form WT-4A Wisconsin Employee Withholding Agreement, Form WT-4B Certificate of Exemption from WI. Withholding for 2000 Because of the Working Families Tax Credit, Form WT-10 Nonresident Entertainer's Application and Receipt for Surety Bond and Cash Deposit, Form WT-11 Nonresident Entertainer's Receipt for Withholding by Employer, Form W-200 Certificate of Exemption from WI. Income Tax Withholding, Form W-220, Nonresident Employee's Withholding Reciprocity Declaration, & Form W-222 Statement of MN. Residency.	Must be retained for as long as they are active; Inactive certificates must be retained for 4 years after a new certificate is filed or the employee is terminated.
Worker's Compensation	Wisconsin Statutes, Chapter 102 Records relating to work related injuries and illnesses.	12 years according to statute of limitations (no specific record retention requirement).

114 Employment of Relatives

Members of an employee's immediate family will be considered for employment on solely the basis of qualifications and pursuant to the hiring processes applicable to all potential applicants for a City job. Immediate family members of current employees may not be hired if that employment would:

- A. Create a supervisor/subordinate relationship with that family member;
- B. Create the potential for an adverse impact on work performance; or
- C. Create either an actual conflict of interest or the appearance of a conflict of interest.

This policy also applies to assigning, transferring, or promoting an employee.

No employee may use the employee's position to bring about the employment or promotion of a member of the employee's family.

No employee may participate in any final decision in any employment matter involving an employee who is a family member.

For purposes of this policy, immediate family members are defined as: spouse; child by blood or adoption; spouse's child; sibling; parent or parent-in-law; brother- or sister-in-law; uncle, aunt, niece, nephew, or spouse thereof; grandparent or grandparent-in-law; and fiancé or fiancée.

This section shall not apply to temporary employees who are employed for a limited term not exceeding sixteen (16) weeks duration in any 12 month period.

115 Residency

Emergency department heads (City Administrator, Police Chief and Director of DPW) shall live within a fifteen (15) mile radius of the City limits. The Common Council may grant exceptions to this regulation in order to secure the services of the most qualified applicant and is in the City's best interest. Police Department employees must reside within a fifteen (15) mile radius of the Police Department.

116 Reference Checks

The City attempts to secure as much information about prospective employees as it possibly can from former employers. Therefore, the City will reciprocate with respect to providing accurate and factual information to prospective employers concerning former City employees. Any employee receiving a reference check with respect to a former employee shall forward that request to the Administrator for response.

SECTION 2 PAID TIME

201 Hours of Work

The normal work day for full-time employees shall be eight (8) hours. The normal work week for full-time employees shall be forty (40) hours. The hours of operation each day and week will be determined by the City.

202 Base Wage Rates

The Administrator shall make an analysis of the duties and responsibilities of all positions and shall annually recommend to the Common Council a compensation level for each job classification and employees within that classification.

The Administrator, supervisors and designated employees' compensation shall be on a salary basis.

203 Payday

The City's pay period is bi-weekly. Payment shall be made by means of electronic transfer into an account accessible by the employee normally deposited every other Wednesday. Under certain circumstances, such as a conflict with a holiday, paychecks will be available the workday after the holiday.

204 Payroll Deduction

Only deductions required or authorized by law and those authorized in writing by the employee will be deducted from an employee's paycheck. All deductions will be itemized on the employee's paycheck stub. Any payroll questions should be directed to the Deputy Clerk Treasurer.

205 Fair Labor Standards Policy

I. PURPOSE

The Fair Labor Standards Act (FLSA) was created in 1938 to establish minimum wage and a limit to the number of hours that may be worked in a standard workweek without paying overtime. It also provides standards for equal pay, overtime pay, recordkeeping and child labor. The purpose of this policy is to define the Fair Labor Standards Act (FLSA) as it applies to City of Reedsburg employees.

II. POLICY

It is the policy of the City to comply fully with the provisions of the Fair Labor Standards Act of 1938, as amended, as well as applicable state laws and City Collective Bargaining Agreements. Improper pay deductions are prohibited. Failure to comply with this policy will result in discipline, up to and including termination.

A. Covered Employees

The Fair Labor Standards Act (FLSA) identifies two types of covered employees: exempt and non-exempt. Whether an employee is considered exempt or non-exempt under the FLSA depends on his or her duties, responsibilities and salary.

1. Designation of exempt or non-exempt status is the responsibility of the City Administrator's Department. Positions will be reviewed based on the actual work responsibilities and salary assigned to each position.
2. Employees who are covered by the Wage and Hour provisions of the FLSA and are eligible for overtime after 40 hours worked (except Police and Fire Department non-exempt employees) in a workweek are considered ***non-exempt employees***.
3. Employees exempted by the Wage and Hour provisions of the FLSA must meet certain category criteria as stated in the regulations. These employees are not eligible for overtime and are considered FLSA ***exempt employees*** if their work assignments fall into one of the following categories: Executive, Professional, Outside Sales, Computer, or Administrative. Also, certain seasonal recreational employees (lifeguards) can be considered exempt from specific provisions. Exempt employees are expected to put in those hours necessary to complete their job and are not eligible for overtime.

B. Non-Covered Employees

Non-covered employees include elected officials and their personal staffs, policy-making appointees, legal advisors, legislative employees, bona fide volunteers, independent contractors, prisoners, and certain trainees.

C. Work Period

1. The standard FLSA work period is a fixed period of seven (7) consecutive calendar days. Police and Fire Department employees may have a fixed work period of up to 28 calendar days.
2. The work period defines the time of day and day of the week when the employee's work period begins and ends.
3. An established work period may only be changed if the change is intended to be permanent and not for the purpose of avoiding the accrual of FLSA overtime.
4. The City may establish different work periods for police and fire personnel allowing for overtime compensation to be computed differently per Section 207(k) of the FLSA .
5. The established work period for law enforcement is adopted pursuant to section 207(k) of the act and 29 C.F.R. Part 553.

D. Time Worked

1. Time worked includes all time non-exempt employees are required to be on duty at their prescribed work places and all time during which they are permitted to work.
 - a. Non-exempt employees will be compensated for all time they are required or asked to work which supervisors know or have reason to know they are working.
 - b. Non-exempt employees who work without authorization are subject to disciplinary action, up to and including termination.
 - c. Non-exempt employees are required to report all time worked and are required to accurately reflect this on their timecard or in the City's time system. Failure to correctly record or falsification of actual work time is subject to disciplinary action, up to and including termination.
 - d. Supervisors are not to ignore work that non-exempt employees do on their own time. This is a violation of policy and prohibited by the FLSA.
 - e. The supervisor who signs an employee's timecard or approves his/her time record must have personal knowledge of the hours worked by the employee and must not "adjust the books" or ask an employee to record more or fewer hours than were actually worked. Such an action is not only a violation of policy, but is also

illegal under the FLSA and may subject the employee and or supervisor to disciplinary action, up to and including termination. Any illegal act may also result in legal action.

2. Exempt employees are paid on a salary basis and are not eligible for overtime. Time records for exempt employees should still reflect an accurate accounting of time worked and paid time off.

E. Meetings/Training

1. Time spent by non-exempt employees attending meetings, training and similar activities must be counted as time worked unless all of the following criteria are met:
 - The attendance is outside of the non-exempt employees' regular working hours;
 - The attendance is voluntary;
 - The meeting, training or similar activity is not directly related to the non-exempt employees' positions; and
 - The non-exempt employee performs no work related to his/her position while in attendance.
2. Lunch breaks at training are not considered time worked for non-exempt employees, provided the employee is free to leave and there is no formal instruction during the lunch period.

F. Travel

1. Normal travel, for a non-exempt employee, from home to work and return to home is not considered work time. This is true whether the non-exempt employee has a fixed workplace or works at different locations.
2. Travel to work assignments at sites within reasonable commuting distance of the non-exempt employee's primary work site is considered in the "home to work" category and is not work time. If, however, a non-exempt employee is required to stop by the primary work site for instructions or to pick up materials, the travel from the primary work site to the work assignment will be counted as time worked.
3. Travel between a non-exempt employee's normal work site and another place of assignment, or travel between one assignment and another during the work day, is considered time worked.
4. Travel associated with a one-day assignment at a different location will be considered time worked to the extent that the travel exceeds the time spent in the non-exempt employee's normal travel between home and work.
5. FLSA exempt employees are not entitled to any FLSA compensation for travel time, either outside of, or in addition to, their normal hours of work.

G. Overtime

1. If overtime occurs (a non-exempt employees works more than 40 hours in a work period) the non-exempt employee is entitled to receive time and one-half compensation or FLSA compensatory time for the amount of overtime worked.
2. Non-exempt employees must receive prior approval from their supervisor to work overtime.
3. Exempt employees are not entitled to overtime compensation or compensatory time for time worked over 40 hours in a work period unless specifically provided for in another policy.

H. Compensatory Time

1. Non-Exempt Employees. Each non-exempt employee approved to receive compensatory time may accumulate FLSA overtime credit of not more than 40 hours. Non-exempt employees must be paid for FLSA overtime worked in excess of this limit.
2. No FLSA exempt employee shall be entitled to compensatory time off for hours worked in excess of the employee's normal work week unless the Personnel Committee shall have specifically authorized such time off. The Personnel Committee shall not have the power to make a blanket authorization of compensatory time off for any employee or group of employees, but the Personnel Committee may authorize a specific number of hours of such compensatory time off for a specific employee, and if it does, the Committee shall set a date by which the authorized hours shall be taken off.
3. Utilization of Compensatory Time. City supervisors should encourage and/or permit their staff to take their compensatory time as soon after it is earned as possible. The use of compensatory time must be scheduled so as not to disrupt the work in the department. Compensatory time accrued in a non-exempt position for FLSA overtime worked must be paid upon termination of employment.
 - a. Prohibited Utilization of Compensatory Time Compensatory time off is not a form of accrued paid leave that may be substituted for unpaid Family and Medical Leave (FMLA), pursuant to 29 CFR 825.207.

I. Wage Deductions for Exempt Employees

The FLSA allows for the following wage deductions from exempt employee's pay, without destroying the exempt status of the employee:

1. Full workweek or full day increments – for violations of the City's workplace conduct rules [i.e. sexual harassment, workplace violence].
2. Full day increments – for personal reasons or sickness/disability.
3. Partial day increments – for unpaid leave or a budget required reason.
4. Hourly increments – for FMLA absences, taken as intermittent or reduced leave.
5. Any increment – for violations of safety rules of major significance

J. Complaint Procedure

An employee who feels they have had an improper pay deduction or have not been paid appropriately should file a complaint with the Clerk's Department immediately. The Clerk's Department will review the situation and determine if an improper deduction has been made and if so, work with the employee to resolve the situation and if applicable, ensure proper reimbursement is made.

K. Recordkeeping

The following records are required (per 29 CFR 516.2 and DWD 272.11 Wisconsin Administrative Code) to be maintained for non-exempt employees and exempt employees (with the exception of the records relating to payment and hours worked (10.– 13.). Additionally, for exempt employees, records must be kept that detail the basis on which employees are paid (Monetary amount paid, expressed as earnings per hour, per day, per week, etc.):

1. Name in full (as used to for social security recordkeeping purposes);
2. Home address;
3. Date of birth;
4. Sex and occupation;
5. Date of entering and leaving employment;
6. Time of day and day of week on which the employee's workweek begins;

7. Starting time and length of each employee's work period [for sworn police and fire employees only, who are employed under 207(k) of the FLSA];
8. Hours worked each workday and total hours worked each workweek;
9. Time of beginning and ending of meal periods if employees' meal periods are required or such meal periods are to be deducted from work time.
10. Regular hourly rate of pay for any workweek in which overtime compensation is due;
11. Total daily or weekly straight-time earnings or wages due for hours worked during the work day or workweek;
12. Total premium pay for overtime hours;
13. Total additions to, or deductions from, wages paid each pay period;
14. Total wage paid each pay period;
15. Date of payment and the pay period covered by payment;
16. Total compensatory hours earned, and used, each workweek or work period for each employee;
17. Number of hours of compensatory time paid in cash, including the total amount paid and the date of payment;
18. Any oral or written agreement regarding the earning and utilization of compensatory time off (i.e. collective bargaining agreement or other written understanding).

Record Preservation: The following records shall be preserved by the City for three years:

(a.) Payroll records; (b.) Certificates, collective bargaining agreements and individual contracts; (c.) Sales and purchase records. The following records shall be preserved by the City for two years: (a.) Employment and earnings records; (b.) Wage rate tables; (c.) Order, shipping and billing records; (d.) Records of additions to or deductions from wages paid.

III. "Safe Harbor" - Improper or Unlawful Deductions from Pay Under FLSA

A. POLICY

All employees of the City of Reedsburg are subject to the provisions of the Fair Labor Standards Act (FLSA). The City will comply with the salary basis requirements of FLSA by prohibiting all supervisors and managers from making any improper deductions from the salaries of Exempt employees.

B. PURPOSE

The purpose of this policy is to ensure employees are aware that the City does not allow deductions that violate the FLSA. This policy is designed to comply with the Department of Labor's policy on the Effect of Improper Deductions From Salary as provided in Title 29 United States Code, Code of Federal Regulations, Part 541 §603d (29CFR §541.603(d)) of the Fair Labor Standards Act (FLSA).

C. SCOPE

All FLSA exempt employees of the City.

D. DEFINITIONS

1. **Fair Labor Standards Act** - The Fair Labor Standards Act (FLSA) is a Federal law establishing the minimum wage rate, overtime pay, recordkeeping requirements,

prohibiting gender-based wage discrimination between employees performing the same work, and child labor standards affecting full time and part-time workers in the private sector and in Federal, State, and local governments.

2. **FLSA Exempt Employee** - Employees who are exempt from minimum wage and overtime pay as specified in Section 13(a)(1) of the FLSA. Section 13(a) (1) and Section 13(a) (17) also exempt certain computer employees. To qualify for exemption, employees generally must meet certain tests regarding their job duties and be paid on a salary basis at not less than \$455 per week. Job titles do not determine exempt status. In order for an exemption to apply, an employee's specific job duties and salary must meet all the requirements of the FLSA regulations.

E. ORGANIZATIONAL RULES

1. The City prohibits deductions from the salary of exempt employees except in the limited circumstances allowed by the Fair Labor Standards Act.
2. **Circumstances in Which the Employer May Make Deductions from Exempt Employee Pay:**
 - a. Employee is absent from work for one or more full days for personal reasons other than sickness or disability.
 - b. Employee is absent for one or more full days due to sickness or disability if the deduction is made in accordance with a bona fide plan, policy or practice of providing compensation for salary lost due to illness.
 - c. To offset amounts employees receive as jury or witness fees, or for military pay.
 - d. For unpaid disciplinary suspensions of one or more full days imposed in good faith for workplace conduct rule infractions.
 - e. For penalties imposed in good faith for infractions of safety rules of major significance. Full or partial days may be charged in this circumstance.
 - f. For weeks in which an exempt employee takes unpaid leave under the Family and Medical Leave Act. Full or partial days may be charged in this circumstance.
3. Under FMLA the City is not required to pay the full salary in the initial or terminal week of employment.
4. The City will recover any overpayments made by payroll which were caused by improper recording of time worked or improper data entry. These deductions will be in accordance with Wisconsin State law, Department of Labor and FLSA guidelines as to not violate the minimum wage for non-exempt employees or the FLSA exemption salary test.
 - a. Employees must be notified of the amount of the deduction, the start and end date, and reason for such deduction.

- b. When the City conducts audits of departmental records to ensure compliance with FLSA/time-keeping requirements, the City shall generally apply a three-year statute of limitations when making a 'back pay' remedy in accordance with Department of Labor standards. Likewise, overpayments discovered during FLSA/time-keeping audits conducted by the City will be subject to a three-year statute of limitations.
- c. Total overpayments to an employee that are less than \$100.00 are deemed to be "de minimis" and will not be subject to collection.

F. PROCEDURES

- 1. If an improper deduction occurs, the employee should immediately report the information to his direct supervisor or contact the payroll department.
- 2. Reports of improper deductions in employee paychecks will be promptly investigated by the City Clerk.
- 3. If it is determined that an improper deduction has occurred, the employee will be promptly reimbursed for such improper deduction.

206 Call-in

All non-police employees shall respond to emergency call-out outside of their regularly scheduled hours of employment. A minimum of two (2) hours shall be granted to any employee who is requested to report outside his regularly scheduled work hours and reports to work. Call in pay on weekends shall be paid at the overtime rate.

207 Work in Higher Classification

An employee performing work in a higher classification resulting from a temporary vacancy created by resignation, termination, or other severance of employment by a higher-ranked individual, or from the incapacity of the incumbent in a higher-ranked position may, upon authorization by the Personnel Committee and Common Council, be paid the rate of the higher-ranked position for the period during which the employee performs that work.

208 Holidays

A. Holidays

All regular full-time City employees shall receive their regular straight time rate of pay for the following designated holidays.

All General Employees

New Year's Day, Memorial Day, Independence Day, Spring Holiday (Friday before Easter), Labor Day, Thanksgiving Day, Day after Thanksgiving, Christmas Eve Day, Christmas Day and one floating holiday.

Police Department

New Year's Day, Memorial Day, Spring Holiday (Friday before Easter), Independence Day, Labor Day, Thanksgiving Day, Christmas Eve Day, Christmas Day and two Floating Holidays.

Holidays falling on Sunday shall be observed on Monday. Holidays falling on Saturday shall be observed on Friday. In the event Christmas falls on a Saturday, it shall be observed on Friday and Christmas Eve shall be observed on Thursday. In the event Christmas falls on Monday, Christmas Eve Day shall be observed on the previous Friday.

Except as provided above, when a holiday is observed on a day which an employee is not scheduled to work, the employee shall be paid one (1) day at his or her basic wage rate for the holiday.

Employees on a leave of absence (whether paid or unpaid) or on layoff are not eligible for holiday pay. Absence attributable to paid vacations, paid jury duty or funeral leave shall not affect an employee's eligibility for holiday pay provided that the employee otherwise works the employee's scheduled work hours on the preceding and following days.

B. Work on Holidays

Police Department

1. If the employee works on the holiday, the employee may:
 - a. Receive pay for the time worked up to eight (8) at time and one-half (1.5) of the employee's regular straight time pay; or
 - b. Elect to take a different day off as a vacation day, subject to approval of the Chief of Police, with pay.
2. If the employee does not work on the holiday, the employee may:
 - a. Receive pay for the holiday up to eight (8) hours at straight time pay.
 - b. Elect to take a different day off as a vacation day, subject to approval of the Chief of Police, with pay.

Other General Employees

Time worked on Holidays shall be compensated for at one and one-half (1-1/2) times the basic wage rate for the employees called in to work on holidays, in addition to holiday pay.

C. Personal Day

City Hall Non-Represented and Police Non Represented

Employees are allowed to take one (1) day per year for personal leave at the discretion of the employee but with prior approval of their supervisor. This day will be subtracted from the employee's sick leave.

209 Vacation

The City grants regular full-time employees vacation with pay at their regular, straight-time rate. Part-time employees are not eligible for paid vacation.

Employees shall earn vacation upon the following length of service:

All Non-Sworn General Employees

40 hours following 12 months of employment
80 hours following 24 months of employment
120 hours following 8 years of employment
160 hours following 15 years of employment
200 hours following 25 years of employment

Dispatchers

After 1 year of employment	5 days
After 2 years of employment	10 days
After 5 years of employment	13 days
After 9 years of employment	16 days
After 10 years of employment	17 days
After 11 years of employment	18 days
After 12 years of employment	19 days
After 13 years of employment	20 days
After 14 years of employment	21 days
After 15 years of employment	22 days
After 16 years of employment	23 days

Police Officers

Per Union Contract

Police Officers Non-Represented

5 days following 12 months of employment
10 days following 24 months of employment
13 days following 5 years of employment
15 days following 8 years of employment
16 days following 9 years of employment

And shall be granted an additional day of vacation with pay for each additional completed year of employment until the maximum of 25 days (200 hours) are accredited after the 18th year.

Vacation cannot be taken until earned.

Upon termination of employment, an employee shall receive pay, less payroll deductions, for the unused portion of the vacation time earned during the previous year plus any vacation time earned in the year of termination.

The number of employees on vacation at any given time shall be determined by the Department Head. Each department head shall schedule and approve vacation usage, giving due consideration to length of service, City needs, and the staff required to perform on-going City activities.

Employees may carry over 40 hours of vacation. All other accrued vacation must be taken prior to the anniversary day following its accrual or lost forever. The City Administrator may approve a short extension of additional carryover hours for usage under extenuating circumstances.

210 Sick Leave

All full-time employees shall be entitled to sick leave with pay.

A. Full-time employees shall accrue unused sick leave as set forth:

All Employees

1. Fulltime employees shall earn one sick-leave credit at the rate of one (1) day per month and may accrue unused sick leave to a total of 130 days.
2. Sick leave shall be granted for the following reasons: illness or disability of the employee; illness requiring the employee's personal care and/or attention; to keep a doctor or dentist appointment; or in conjunction with leave used in the death of the employee's family.

B. Sick leave may be used for:

1. An employee's sickness or injury;
2. An employee's medical or dental appointment;
3. The sickness or injury of an employee's parent, spouse or child or step-child; or,
4. A medical or dental appointment of an employee's parent, spouse or child or step-child.

C. In order to be granted sick leave with pay, the employee must:

1. Report the reason for absence from work promptly to the Supervisor.
2. Keep the City informed of the employee's condition.
3. Permit the City to make such medical inquiry or visits as may be determined necessary. A medical certificate certifying the inability to work may be required by the City for any sick leave in excess of three (3) consecutive workdays.

- D. Sick leave shall be accumulated during the orientation period and can be used beginning with the first month of employment.
- E. When an insufficient sick leave balance remains to cover an employee's absence, the uncovered days may be charged either to accumulated vacation or personal leave. Sick leave cannot be advanced.
- F. While an employee is on paid sick leave, the accrual of sick leave and vacation leave benefits shall continue during the period of convalescence.
- G. An employee receiving sick leave with pay and simultaneously receiving compensation under Worker's Compensation laws shall receive only that portion of the employee's regular salary which will, together with the Worker's Compensation payments, equal the employee's regular net salary. The employee's sick leave balance shall be charged accordingly. An employee shall not accrue sick leave while on Worker's Compensation or other forms of paid or unpaid leave.
- H. Sick Leave Payout. Upon retirement under WRS guidelines, employees will receive payout of accumulated sick leave per the following terms.

1. Non-Represented

Upon retirement and ten (10) years of service the following shall apply:

Employees are entitled to 50% of accumulated unused sick leave up to sixty-five (65) days payout as retirement pay at the time of retirement or termination. The age at which one may retire shall be that which is set forth in the Wisconsin Statutes. Employees may elect to use benefit toward health insurance premiums instead of taking a cash payout.

2. Represented

Upon retirement and ten (10) years of service the following shall apply:

Employees are entitled to 50% of accumulated unused sick leave up to twenty-five (25) days payout as retirement pay at the time of retirement. The age at which one may retire shall be that which is set forth in the Wisconsin Statutes. Employees may elect to use benefit toward health insurance premiums instead of taking a cash payout.

3. Police Department Represented

As provided for in union contract.

211 Funeral Leave

Employees may take up to three (3) consecutive working days of paid funeral leave with pay for the death of a parent, spouse, brother, sister, children, father-in-law, mother-in-law, sister-in-law, brother-in-law, grandparent, grandchild.

Employees may take one (1) day of paid funeral leave for the death of a son-in-law, daughter-in-law, aunt, uncle, niece, nephew or any other relative in the employee's household or spousal equivalents.

In addition, time off without pay may be allowed by the City Administrator upon request.

212 Jury Duty

Employees shall be granted time off with pay, less jury duty pay, for reporting for jury duty. If the employee is not chosen for the jury or if the employee is chosen and released, the employee must report back to work and complete the regular work day if reasonable and practical. The employee shall provide the City with proof of jury service.

213 Military Leave

An employee will be granted a military leave of absence without pay to serve in the United States Armed Forces, in accordance with federal and state regulations. An employee may elect to use available vacation time while on a military leave but is not required to do so for that purpose.

214 Workers Compensation

The City shall maintain Worker's Compensation insurance coverage of all employees in the manner provided by Wisconsin Statutes covering injuries incurred in the course of their City employment.

Any employee who sustains an injury while engaged in City employment shall immediately report the injury to the employee's department head or immediate supervisor. As soon as possible the employee shall in addition report the injury to the City Clerk, and shall complete any documents required by the Clerk in regard to the injury to complete the claim. Where the employee is hospitalized or otherwise incapacitated so as to be unable to report the injury to the Clerk, the employee's spouse or other agent may make the report.

The department head or immediate supervisor of any City employee shall, upon receiving report of an injury on the job, assist the injured employee in securing medical attention for the injury where it seems reasonably indicated.

An employee shall not accrue sick, holiday or vacation time while on workers compensation leave.

215 Family Medical Leave

See Appendix A.

216 Leave of Absence

A leave that does not involve paid time off or Family Medical Leave is categorized as an unpaid leave of absence.

Employees may request an unpaid personal leave of absence in writing to the Administrator. Such request must set forth the period of leave and the reason for such leave. Approval of such requests are in the City's sole discretion. No leave will be granted for the purpose of seeking other employment. If medically related, the employee shall provide medical documentation stating the nature of and verifying

the necessity for the leave.

No benefits shall accrue during an unpaid leave of absence. At the employee's expenses, an employee may continue the employee's health insurance during an approved leave of absence in accordance with applicable state and federal continuation requirements.

An employee on unpaid leave of absence shall give at least one week's written notice before returning to work. If the leave was medically related, the City may require medical documentation that the employee is fit to return to work. An employee returning from an approved leave of absence shall be reinstated into the employee's former position subject to operational considerations.

Failure to report back to work at the expiration of any leave shall be considered a voluntary resignation.

217 Inclement Weather

On rare occasions, weather or other conditions may cause interruption of the normal work schedule such that the Administrator determines that employees should be sent home.

In the event an emergency, weather or other, situation exists at the start of the work day or continues from a previous day, non-exempt employees who do not report for work shall not be paid. However, at the employee's request, the day or days may be counted as vacation time or compensatory time, if available, rather than have their pay reduced because of the missed time. Any employee who chooses to go home will not be paid for the balance of the day, but will be given the opportunity to make up the lost hours during the balance of the work week, if possible.

218 Travel Policy

The purpose of this policy is to establish the rules governing travel expenses and to detail procedural matters concerning travel authorization, documentation and accounting. This policy is applicable for all travel expenses incurred on behalf of the City by employees, elected officials and Board and Commission members.

A. Policy. The City recognizes that business travel is necessary at times to conduct City business, and to attend out of town professional conferences, training sessions and meetings to enhance an employee's skill base. The following provisions address the types of reimbursement available to employees, as well as procedures for obtaining travel advances and submitting expenses for reimbursement.

1. Transportation

Commercial carrier fares shall be limited to "coach" or "economy" fares. Travel to and from train stations and airports may be by bus, hotel limousine, taxi or private vehicle. In which case, mileage will be paid. Receipts for transportation costs are required.

Utilization of City vehicles are encouraged for business travel. Prior approval must be obtained by the appropriate Department Head. Any expenses (i.e. gasoline or repairs) attributed to City vehicles, as well as expenses for tolls, parking and garage charges, will be reimbursed upon submittal of receipts.

Private vehicles may be utilized for business travel when City vehicles are not available. Prior approval must be obtained by the City Administrator. Mileage will be reimbursed per the current rate of the Internal Revenue Code, plus tolls, parking and garage charges, upon submittal of receipts and reimbursement request form.

No employee may use any automobile for City business of any nature unless the automobile is insured in the amount mandated by State law.

When driving on City business, the use or possession of alcohol or controlled substances before driving or while driving is prohibited. Employees shall not use electronic devices while driving unless utilizing hands-free devices unless otherwise exempted by state law or local ordinance. This does not prohibit the use of mobile or portable radios.

The City will not be responsible for damage to employees' cars while on City business.

Employees should not drive to meetings, training or conferences when the travel time requires more than one day, unless the employee is utilizing holiday or vacation time. In such instances, no reimbursement will be made for lodging, meals or other incurred expenses.

2. Lodging

Employees are expected to stay at mid-priced and economy hotels unless a conference discount is available at more expensive facilities. Receipts for lodging are required. Personal telephone calls, internet access, movie rentals and other similar charges will not be reimbursed.

City employees are exempt from paying sales tax in Wisconsin and should avoid so by furnishing retailers with tax exempt certificate.

Lodging reimbursement shall be limited to the minimum number of nights required to conduct the assigned City business. Employees choosing to arrive early or stay later will not be reimbursed for additional lodging or related expenses.

Lodging expenses shall *not* be reimbursed for meetings or conferences held within thirty (30) miles of the City, unless prior written approval is obtained from the City Administrator.

3. Meal, Entertainment & Miscellaneous Expenses

Employees will be reimbursed for meals, tips and other miscellaneous expenses, upon submittal of itemized receipts. Meal expenses will be limited to the federal per diem per day/meal, for purchases outside the Reedsburg School District limits. Reimbursement for alcoholic beverages is not permitted.

Entertainment, amusement or recreation expenses for employees will be reimbursed only if the activity is directly related to the conduct of the City's business. The business purpose of the entertainment, the names of the persons involved and the business relationship must be disclosed on the reimbursement request.

4. Hours Worked

Non-exempt employees covered by the Fair Labor Standards Act (FLSA) will be compensated for all hours worked during travel and attendance at training programs when:

- Attendance is during the employee's regular working hours;
- Attendance is mandatory;
- The training is directly related to the employee's job; and
- The employee is performing productive work while attending the training program.

Out of town travel is covered by two sets of rules, depending on whether the assignment is for one day or requires an overnight stay:

- Travel time to a one-day program in another city: All hours spent traveling are considered hours worked.
- Travel time to a program involving an overnight stay: Time spent traveling is counted as hours worked if it coincides with the employee's regular work hours. This is true even if it falls on a day that is normally a non-working day for the employee (i.e. Saturday or Sunday travel time during regular work hours will be counted as hours worked).

5. Registration and/or Tuition Fees

Registration and tuition fees for professional and technical meetings and conferences are reimbursable, upon submittal of receipts, or may be paid directly by the City.

6. Travel with Spouse and/or Family

If a spouse and/or other family member travel on an official trip, reimbursement shall be limited to the single rate for the room occupied.

7. Code of Conduct

While traveling, employees are representing the City and are expected to conduct themselves in a professional manner that promotes a positive image to instructors, business persons and the general public.

B. PROCEDURES

1. Travel Authorization

Employees must receive written authorization to travel before any business travel is undertaken. Employees should submit their travel request at least 15 days prior to departure and obtain the supervisors written authorization for the trip. The travel request must contain the following information:

- a. Employee's name
- b. Destination
- c. Purpose of the trip
- d. Dates of departure and return
- e. Type of transportation requested
- f. Supervisor's written approval

When possible, travel arrangements should be charged or billed directly to the City.

2. Expense Report

A reimbursement request should be filled out upon the completion of the business travel, and turned into the Clerk's Department. Itemized receipts must be attached to the report to receive reimbursement for:

- a. commercial carrier travel costs (including bus, limousine or taxi);
- b. gas, repairs and vehicle expenses;
- c. tolls, parking and garage charges;
- d. lodging;
- e. meals;
- f. registration and tuition fees;
- g. miscellaneous expenses (i.e. entertainment). Receipts for entertainment must include a note that indicates the business purpose of the entertainment, the names of the persons involved and the business relationship.

219 City-owned vehicles

The City may assign vehicles for use by employees in their daily duties and to respond to call-outs, emergencies and other after hours tasks that are necessary for the maintenance of service to the citizens of Reedsburg. Vehicles may be assigned by department heads for the respective department, subject to review by the Administrator. All employees must show proof of insurance and obtain/maintain a valid Wisconsin Drivers License.

The City maintains several vehicles available for use by all departments which should be used for traveling to and from training sessions and meetings outside the City. Employees using these vehicles must complete a usage log.

City vehicles shall not be used for personal reasons except in limited circumstances.

220 Uniform Allowance

Police

Non-Sworn,

Each fulltime employee shall be allowed a maximum of \$225; part-time employees shall receive a maximum of \$115. No carry-over is permitted. Employee will be reimbursed up to maximum on presentation of receipts for work uniforms or work related equipment.

Sworn Non-Represented

Each employee shall be allowed a maximum of \$500. Employee will be reimbursed up to maximum on presentation of receipts for work uniforms or work related equipment. Officers required to wear civilian clothes will be paid a portion of uniform allowance as necessary to cover civilian clothing.

Sworn Represented

Each employee shall be allowed the amount negotiated in the CBA with no yearly carry-over.

Wastewater, Parks and Public Works

Each employee shall be paid \$240.00 in January annually as a clothing allowance. This amount shall be subject to the appropriate payroll taxes.

SECTION 3 BENEFITS

301 Health Insurance

Full-time employees and their eligible dependents shall be eligible to participate in the City's group health insurance program during the period of their employment, upon the following terms:

- A. Application must be made for coverage at the time of hiring. Any employee who later applies for coverage may be required to furnish evidence of insurability as a condition of participation, and may be rejected if uninsurable or may have limitations imposed on the employee's coverage due to preexisting conditions.
- B. The City shall have the exclusive right to determine the identity of the insurer or insurers (which may include the City should it opt to be partially or totally self-insuring), the nature and extent of the coverage, and the premium amounts, deductible or co-pay amounts, if any, provided that during the term of their employment all full-time employees of the City, whether union or non-union, shall be included under the same program.
- C. Employee contributions and premiums for health insurance are set annually by the Common Council.

The City shall continue to pay the City's portion of the employee's premium during the time the employee is on approved sick leave or worker's compensation provided the employee remains employed by the City. Continuation during other types of leave must be approved by the Common Council or continued at the employee's expense.

Health insurance benefits are non-duplicable, that is, family members employed by the City are entitled to a maximum of one family coverage.

302 Vision Insurance

Full-time City employees are eligible for Vision Insurance made available by the City. The employees shall pay the entire premium cost.

303 Dental Insurance

Full-time City employees are eligible for Dental Insurance made available by the City. The employees shall pay 50% of the premium cost.

304 Life Insurance

The City will offer life insurance coverage under the State of Wisconsin Group Life Plan to employees after six months of employment. The Plan provides basic coverage as well as optional coverage, including up to three units of additional coverage and spouse and dependent coverage. The City will pay the premium for the basic coverage. The employee will pay the premium for any optional coverage for which the employee enrolls.

The City shall pay the City's portion of the employee's premium during the time the employee is on approved sick leave or worker's compensation so long as the person remains a City employee. Except as otherwise required by law, continuation during other types of leave must be approved by the City Council and must be paid by the employee.

305 Retirement

The City will participate in the Wisconsin Retirement System. Employee eligibility, and the City and employee premium amounts and manner of payment as required by state law.

306 Cafeteria Plan

The City maintains a Cafeteria Plan (Section 125) that allows employees to make pre-tax contributions for their health and dental insurance premiums. In order to participate in the Plan, employees must make the appropriate election. Questions about the Cafeteria Plan, qualifying expenses and applicant limits can be answered by the Deputy Clerk Treasurer.

307 Education Assistance Program

- A. The City is committed to giving each employee an opportunity for growth and development. The educational assistance program provides the financial assistance to individuals endeavoring to increase their knowledge and improve job skills.

All full-time, regular employees are eligible for participation. New full-time employees are eligible after successfully completing the probation period.

Courses taken must meet one of the following criteria:

1. Job-related or within employee's current field of specialization
2. Aid in preparing employee for future opportunities as part of employee's overall developmental program.
3. Required as part of undergraduate or graduate degree program in City-related degree.

An employee must submit a detailed written narrative of the course outline and reasons the courses would benefit the City to the Administrator. The Administrator will present the request and narrative to the Personnel Committee. Employees who wish to pursue a degree program must have the approval of the Administrator and the Common Council.

- B. The number of courses taken each semester is at the discretion of the Administrator's and the Common Council. An employee's course load should not unduly interfere with the employee's position responsibilities or work schedule.
- C. Courses must be taken at an accredited institution.
- D. When an employee is required by the employee's supervisor to enroll in a class or specific program, this is considered "training", not educational assistance.

E. Reimbursement will be made upon successful completion of an approved course defined as:

1. A letter Grade of “A” = 100%, “B” = 95% AND “C” = 90%
2. Completion of the course within time limit set by the institution.

The Employee must submit verification of final grade and proof of payment for eligible expenses to the Superintendent for payment.

Reimbursement for tuition will be paid at a maximum of \$2,500 per calendar year.

Reimbursement for course related expenses will cover up to \$50 per course for books, lab/registration fees, thesis typing/bindings, etc.

If employee is unable to complete a course due to a job-related commitment caused by the City, full reimbursement will be made.

If an employee resigns or is terminated for just cause before completion of the course, the employee will not be reimbursed by the City.

308 Licenses

The City will pay the cost of licenses required of the job.

309 DISABILITY INSURANCE

The City will provide a long-term disability insurance coverage for non-represented sworn police department employees similar to represented sworn employees. This coverage will go into effect 120 days after the employee becomes disabled under the terms of the plan.

SECTION 4 GENERAL POLICIES

401 Code of Ethics

A. Statement of Purpose

1. The proper operation of democratic government requires that public officials and employees be impartial and responsible to the people; that government decisions and policy be made in proper channels of the governmental structure; that public office not be used for personal gain; and that the public have confidence in the integrity of its government. In recognition of these goals, there is hereby established a Code of Ethics for all City of Reedsburg officials and employees, whether elected or appointed, paid or unpaid, including members of boards, committees and commissions of the City, as well as any individuals who are candidates for elective office as soon as such individuals file nomination papers with the City.
2. The purpose of this Ethics Code is to establish guidelines for ethical standards of conduct for all such officials and employees by setting forth those acts or actions that are incompatible with the best interests of the City of Reedsburg and by directing disclosure by such officials and employees of private financial or other interests in matters affecting the City. The Common Council believes that a Code of Ethics for the guidance of elected and appointed officials and employees will help them avoid conflicts between their personal interests and their public responsibilities, will improve standards of public service and will promote and strengthen the faith and confidence of the citizens of this City in their elected and appointed officials and employees. The Common Council hereby reaffirms that each elected and appointed City official and employee holds his or her position as a public trust, and any intentional effort to realize substantial personal gain through official conduct is a violation of that trust. The provisions and purpose of this Ethics Code and such rules and regulations as may be established are hereby declared to be in the best interests of the City of Reedsburg.

B. Definitions

The following definitions shall be applicable in this Code:

1. "Public Official" means those persons serving in elected or appointed offices and all members appointed to boards, committees and commissions established or appointed by the Mayor and/or Common Council whether paid or unpaid.
2. "Public Employee" means any person excluded from the definition of a public official who is employed by the City.
3. "Anything of Value" means any gift, favor, loan, service having a value of more than \$25.00 or promise of future employment, but does not include reasonable fees and honorariums, or the exchange of seasonal, anniversary or customary gifts among relatives and friends.
4. "Business" means any corporation, partnership, proprietorship, firm, enterprise, franchise, association, organization, self-employed individual or any other legal entity which engages in profit-making activities.
5. "Personal Interest" means the following specific blood or marriage relationships:
 - a. A person's spouse, mother, father, child, brother or sister; or
 - b. A person's relative by blood or marriage who receives, directly or indirectly, more than one-half (1/2) of his or her support from such person or from whom such person receives, directly or indirectly, more than one-half (1/2) of his or her support.
6. "Significant Interest" means owning or controlling, directly or indirectly, at least ten percent (10%) or Five Thousand Dollars (\$5,000.00) of the outstanding stock of any business.
7. "Financial Interest" means any interest, which shall yield, directly or indirectly, a monetary or other material benefit to the officer or employee or to any person employing or retaining the services of the officer or employee.

C. Statutory Standards of Conduct

There are certain provisions of the Wisconsin Statutes which should, while not set forth herein, be considered an integral part of any Code of Ethics. Accordingly, the provisions of the following sections of the Wisconsin Statutes, as from time to time amended, are made a part of this Code of Ethics and shall apply to public officials and employees whenever applicable, to wit:

1. Sec. 946.10. Bribery of Public Officers and Employees.
2. Sec. 946.11. Special Privileges from Public Utilities.
3. Sec. 946.12. Misconduct in Public Office.
4. Sec. 946.13. Private Interest in Public Contract Prohibited.
5. Sec. 19.41 et. seq. Code of Ethics for Public Officials and Employees.

D. Responsibility of Public Office. Public officials and employees are agents of public purpose and hold office for the benefit of the public. They are bound to uphold the Constitution of the United States and the Constitution of this State and carry out impartially the laws of the nation, state and municipality, to observe in their official acts the highest standards and to discharge faithfully the duties of their office regardless of personal consideration, recognizing that the public interest must be their prime concern.

E. Dedicated Service. Officials and employees shall adhere to the rules of work and performance established as the standard for their positions by the appropriate authority. Officials and employees shall not exceed their authority or breach the law or ask others to do so, and they shall work in full cooperation with other public officials and employees unless prohibited from so doing by law or by officially recognized confidentiality of their work. Members of the City staff are expected to follow their appropriate professional code of ethics.

F. Fair and Equal Treatment

1. Use of Public Property. No official or employee shall use or permit the unauthorized use of City-owned vehicles, equipment, materials or property for personal convenience or profit, except when such services are available to the public generally or are provided as City policy for the use of such official or employee in the conduct of official business, as authorized by the Common Council or authorized board, commission or committee.
2. Obligations to Citizens. No official or employee shall grant any special consideration, treatment or advantage to any citizen beyond that which is available to every other citizen. No official or employee shall use or attempt to use their position with the City to secure any advantage, preference or gain, over and above his or her rightful remuneration and benefits, for themselves or for a member of their immediate family.
3. Political Contributions. No official shall personally solicit from any City employee, other than an elected official, a contribution to a political campaign committee for which the person subject to this Code is a candidate or treasurer.

G. Conflict of Interest

1. Financial and Personal Interest Prohibited.
 - a. No official or employee of the City, whether paid or unpaid, shall engage in any business or transaction or shall act in regard to financial or other personal interest, direct or indirect, which is incompatible with the proper discharge of official duties in the public interest contrary to the provisions of this Code or which would tend to impair independence of judgment or action in the performance of official duties.
 - b. Any member of the Common Council who has a financial interest or personal interest in any proposed legislation before the Common Council shall disclose on the records of the Common Council the nature and extent of such interest; such official shall not participate in debate or vote for adoption or defeat of such legislation. If the matter before the Council involves a member's personal interest with persons involved, the member may participate in debate or discussion and vote on the matter following disclosure, unless an ordinance or contract is involved; if an ordinance or contract is involved, such official shall not participate in debate or discussion and vote on the matter.

- c. Any non-elected official, other than a City employee, who has a financial interest or personal interest in any proposed legislative action of the Common Council or any board, commission or committee upon which the official has any influence or input or of which the official is a member that is to make a recommendation or decision upon any item which is the subject of the proposed legislative action shall disclose on the records of the Common Council or the appropriate board, commission or committee the nature and extent of such interest. Such official shall not participate in debate or discussion or vote for adoption or defeat of such legislation.
 - d. Any City employee who has a financial interest or personal interest in any proposed legislative action of the Common Council or any board, commission or committee upon which the employee has any influence of input, or of which the employee is a member, that is a make to recommendation or decision upon any item which is the subject of the proposed legislative action shall disclose on the records of the Common Council or the appropriate board, commission or committee the nature and extent of such interest.
- 2. Disclosure of Confidential Information. No official or employee shall, without proper legal authorization, disclose confidential information concerning the property, government or affairs of the City, nor shall such information be used to advance the financial or other private interests of the official or employee or others.
- 3. Gifts and Favors
 - a. No official or employee, personally or through a member of his or her immediate family, may solicit or accept, either directly or indirectly, from any person or organization, money or anything of value if it could be expected to influence the employee's official actions or judgments or be considered a reward for any action or inaction on the part of the official or employee.
 - b. No official or employee, personally or through a member of his or her immediate family, shall accept any gift, whether in the form of money, service, loan, thing or promise, from any person which may tend to impair his or her independence of judgment or action in the performance of his or her duties or grant in the discharge of his or her duties any improper favor, service or thing of value. However, it is not a conflict of interest for any public official or employee to receive a gift or gratuity that is an unsolicited item of nominal intrinsic value such as a meal, and that is not intended to influence the official. Any official or employee who receives, directly or indirectly, any gift or gifts from any person who is known by said official or employee to be interested, directly or indirectly, in any manner whatsoever in business dealings with the City upon which the official or employee has any influence or input or over which the official or employee has any jurisdiction, discretion or control shall disclose the nature and value of such gifts to the Common Council by January 15 next following the year in which the gift or gifts are received.
 - c. An official or employee is not to accept hospitality if, after consideration of the surrounding circumstances, it could reasonably be concluded that such hospitality would not be extended were it not for the fact that the guest, or a member of the guest's immediate family, was a City official or employee. Participation in celebrations, grand openings, open houses, informational meetings and similar events are excluded from this prohibition. This paragraph further shall not be construed to prevent candidates for elective office from accepting hospitality from citizens for the purpose of supporting the candidate's campaign.
 - d. Gifts received by an official or employee or his or her immediate family under unusual circumstances shall be referred to the Common Council within ten (10) days of receipt for recommended disposition. Any person subject to this Code who becomes aware that he is or has been offered any gift, the acceptance of which would constitute a violation of this Subsection, shall, within ten (10) days, disclose the details surrounding said offer to the Common Council. Failure to comply with this reporting requirement shall constitute

an offense under this Code.

4. Representing Private Interests Before City Agencies or Courts.
 - a. Non-elected City officials and employees shall not appear on behalf of any private person (other than himself or herself, his or her spouse or minor children) before any City agency, board, commission or the Common Council if the official or employee or any board, commission or committee of which the official or employee is a member has any jurisdiction, discretion or control over the matter which is the subject of such representation.
 - b. Elected City officials may appear before City agencies on behalf of constituents in the course of their duties as representatives of the electorate or in the performance of public or civic obligations. However, the disclosure requirements of Subsection (1) above shall be applicable to such appearances.
5. Ad Hoc Committee Exceptions. No violation of the conflict of interest restrictions of this Section shall exist, however, where an individual serves on a special ad hoc committee charged with the narrow responsibility of addressing a specific issue of topic in which that individual, or the employer or a client of that individual, has an interest so long as the individual discloses to the Common Council that such interest exists.
6. Contracts with the City. No City official or employee who, in his or her capacity as such officer or employee, participates in the making of a contract in which he has a private pecuniary interest, direct or indirect, or performs in regard to that contract with some function requiring the exercise of discretion on his or her part shall enter into any contract with the City unless, within the confines of Wis. Stat. sec. 946.13:
 - a. The contract is awarded through a process of public notice and competitive bidding or the Common Council waives the requirement of this Section after determining that it is in the best interest of the City to do so.
 - b. The provisions of this Subsection shall not apply to the designation of a public depository of public funds.

H. Ethics Board. (Rev. 7-26-10)

1. The ethics board shall consist of five members. The membership of the ethics board shall consist of four citizens and one alderperson. The non-alderperson members shall not be an elected official, full-time appointed official or City employee, nor shall the non-council members be currently serving on any other City board, commission or committee. The city attorney shall furnish the board any legal assistance necessary to carry out its functions.
2. Ethics Board members shall be appointed by the mayor, subject to confirmation by the council. Initial terms of office shall be one citizen shall be appointed for two years, one citizen will be appointed for one year, and two citizens will be appointed for three years. There after all terms shall be three years. Terms begin May 1 of the respective year. Each year the Mayor shall appoint the alderperson at the annual reorganization meeting. Three members shall constitute a quorum of the Board.
3. The Ethics Board shall elect its own chair.
4. The Ethics Board may make recommendations to the common council with respect to amendments of this code of ethics.
5. Any person covered by this Ethics Code may apply in writing to the Board for an advisory opinion regarding the propriety of any matter to which the person is or may become a party. The Board shall meet to review such a request for an advisory opinion and may advise the person making the request. Advisory opinions and requests, therefore, shall be in writing and shall state all material facts. It shall be prima facie evidence of intent to comply with this Ethics Code when a person refers a matter to the Board and abides by the advisory opinion of the Board if the material facts are as stated in the opinion request. Meetings held by the Board for deliberation and action upon such application shall not be open to the public nor shall a non-member Common Council member or the Mayor be authorized to attend any such meeting of the Board unless requested to do so by

- the Board. Advisory opinions rendered by the Board shall be in writing and shall state the material facts upon which the opinion is based. A record of the Board's opinions, opinion requests and investigations of violations shall be closed to public inspection as required by Chapter 19, Wis. Stats. Except as provided by §19.59(5)(b), Wis. Stats., the Board shall not make public the identity of any person requesting an advisory opinion or of persons or organizations mentioned in the opinion. If the Board determines that an advisory opinion rendered by the Board would be of significant value to other officials or employees, the Board may issue a summary of the opinion provided that the summary does not disclose the identity of the person originally requesting the advisory opinion. In all cases, the Board may request an advisory opinion from the City Attorney.
6. All complaints alleging that an official or employee committed a violation of this Ethics Code shall be addressed to the Ethics Board and shall be filed with the City Clerk. All such Complaints shall be in writing and verified and shall state the name of the official or employee alleged to have committed a violation of this Ethics Code and shall further state the evidentiary facts supporting the charge.
 7. Within 14 days after the filing of a properly verified complaint with the City Clerk, the Board shall meet to review the complaint. Within three business days after its initial review of the complaint, the Board shall mail a copy of the Complaint to the respondent by certified mail or shall have a copy of the Complaint delivered to the respondent by personal service.
 8. Following its initial review of a verified complaint, the Board may make a preliminary investigation with respect to each alleged violation of this Ethics Code. No preliminary investigation of an alleged violation of this Ethics Code may be initiated until a copy of the Complaint and notice of the Board's intent to investigate the charge has been mailed by certified mail to the respondent or personally served upon the respondent. The preliminary investigation shall be completed within 30 days after the date that the Complaint and notice thereof is mailed to the respondent or personally served upon the respondent except the Board may extend the investigation period for up to an additional 60 days with notice to the respondent and to the complainant.
 9. If, after its preliminary investigation, the Board finds that probable cause does not exist for believing that the respondent violated this Ethics Code, it shall dismiss the Complaint. The Board shall promptly notify the complainant and the respondent by certified mail or personal service of its decision dismissing the Complaint. The Board's decision to dismiss a complaint shall be final. The same complaint or a complaint which is substantially similar to the dismissed complaint shall not be reconsidered by the Board unless within 20 days of the Board's mailing or personal service of its Dismissal Order, the complainant files with the Board additional material facts which were not available to the complainant at the time the original Complaint was filed and which, if true, would probably change the Board's decision. The Board's decision to reconsider or not to reconsider a decision under this subsection shall be final. If the Board determines that a verified complaint was brought for harassment purposes, the Board shall so state in its decision.
 10. If, after its preliminary investigation, the Board finds that probable cause does exist for believing the allegations of the Complaint, it shall conduct a hearing on the matter. The hearing shall be held not more than 60 days after the Board's finding of probable cause. The Board shall give the respondent and complainant written notice of the hearing date by mailing a notice thereof to the respondent and to the complainant by first class mail at least 20 days prior to the hearing date thereof. The hearing shall be held in closed session except that the respondent shall have a right to demand that the hearing be held in open session and, upon such demand, the Board shall conduct the hearing in open session.
 11. The chairperson of the Board shall preside over the proceedings and the City Attorney shall provide legal assistance to the Board as needed. The complainant and the respondent may be represented by an attorney and the respondent may also be represented by a union representative. Both parties may compel the attendance of witnesses by Subpoenas. Subpoenas may be issued by the Chairperson of the Board pursuant to §885.01, Wis. Stats. Each party shall be responsible for serving subpoenas on their respective witnesses and for paying any witness and mileage fees to the witness as required by the Wisconsin Statutes.
 12. All testimony of witnesses at the proceedings shall be given under oath, administered by the Chairperson

- in the form and manner prescribed by the Wisconsin Statutes. A record of the testimony may be made by stenographic, electronic or other recording method, as the Board determines. The record produced at the direction of the Board shall be the official record of the proceeding. The proceedings may be adjourned or continued by the Board from day to day until completed.
13. The proceedings shall be conducted in the following order:
 - a. Statement of the issues and rules by the Chairperson.
 - b. Brief factual summaries, if any, by both sides.
 - c. Presentation of testimony and the introduction of evidence by the complainant to substantiate the charge.
 - d. Cross examination of witnesses by the respondent.
 - e. One additional opportunity to question witnesses by the complainant.
 - f. One additional opportunity to cross-examine witnesses by the respondent.
 - g. Presentation of the base for the respondent.
 - h. Repeat of steps (d), (e) and (f) regarding witnesses and evidence produced on behalf of the respondent.
 - i. Opportunity for each side to present evidence in rebuttal of any evidence presented by the opposing side.
 - j. Brief closing arguments, if any, by both sides.
 14. The Board shall not be bound by common law or statutory rules of evidence and the Board shall hear all evidence having reasonable probative value, but shall exclude immaterial, irrelevant, or unduly repetitious testimony or evidence. Basic principles of relevancy, materiality and probative force shall govern this proceeding. Hearsay evidence will not be permitted where direct evidence is reasonably available. The Board will not base crucial or essential evidentiary findings on hear-say evidence. Objections to evidentiary offers and offers of proof of evidence not admitted may be made and shall be noted in the record. All evidence, including records and documents, shall be duly offered and made a part of the record. The Chairperson shall rule on any objections or procedural matters. Any member of the Board and the City Attorney may ask questions of the witnesses. No party or witness shall be permitted to ask questions of any Board member during the proceedings, unless expressly authorized by the Chairperson.
 15. The Board shall deliberate in closed session.
 16. Within 10 working days of the conclusion of the hearing, the Board shall file its written Findings of Fact, Conclusions of Law and Recommendations signed by a majority of the participating members and concerning the propriety of the conduct of the respondent. Any member of the Board may indicate his/her dissent to the written Order. If the Board determines that no violation of the Code of Ethics has occurred, it shall dismiss the Complaint, and if requested to do so by the respondent, the Board shall issue a public statement in that regard. If the Board finds that clear, satisfactory and convincing evidence exists for believing the allegations of the Complaint, the Board shall refer its findings, conclusions and recommendation to the Common Council or to other proper City Authority, and/or, in the case of an employee, to the City Administrator and/or the Mayor as deemed appropriate. In its recommendation, the Board may recommend that the Common Council order the official or employee to conform his or her conduct to the Ethics Code or recommend that the official or employee be cautioned, censured, suspended, removed from office, issued a private reprimand, public reprimand, and, in the case of an employee, may also recommend suspension without pay, discharge, or other appropriate disciplinary action. In appropriate cases, the Board may recommend the referral of the matter to the District Attorney to commence enforcement proceedings pursuant to the procedures and remedies of §19.59, Wis. Stats.
 17. Records obtained or prepared by the Board in connection with an investigation of a violation of this Ethics Code shall not be open for public inspection, except that the Board shall permit public inspection of records of a hearing conducted in open session pursuant to the request of the respondent as provided in subsection (10) hereof. Whenever the Board refers an investigation and

hearings record to a District Attorney, the District Attorney may make public such records in the course of a prosecution initiated thereon.

18. The time frames set forth in this Ethics Code specifying Board action are not jurisdictional and the Board may, where appropriate, extend any time period as necessary.

I. Distribution of Ethics Code

1. The City Clerk shall cause a copy of this Code of Ethics to be distributed to every public official and employee of the City within 30 days after enactment of this section. Each public official and employee elected, appointed or engaged thereafter shall be furnished a copy before entering upon his or her duties.
2. Each public official, Mayor, the chairman of each board, commission or committee and through the City Administrator, the head of each department, shall, between May 1st and May 31st each year, review the provisions of this code with their fellow council members or board, commission, committee members or subordinates, as the case may be, and certify to the City Clerk by June 15 that such annual review had been undertaken. A notice of this Ethics Code shall be continuously posted on the City bulletin boards wherever situated.
3. Each public official and employee shall, in connection with pars (1) and (2) above, also complete and file with the City Clerk, as appropriate, the following statement of understanding:
“I have read and understand the contents of the City of Reedsburg Ethics Code, including the attached State statutes.* I also understand that I am expected to adhere to and conduct myself according to rules, guidance and direction as set forth in the Ethics Code.” (* 946.10 through 946.13; and, 19.41 et seq.)

J. Employees Covered by Collective Bargaining Agreements. In the event an employee, covered under a collective bargaining agreement, is allegedly involved in an Ethics Code violation, the terms and conditions set forth in the applicable collective bargaining agreement shall prevail in the administration and interpretation of this Ethics Code.

K. Sanction. A determination that an employee’s actions constitute improper conduct under the provisions of this Code may constitute a cause of suspension, removal from office or employment or other disciplinary action. Sanctions, including any disciplinary action, which may affect employees covered under a labor agreement will be consistent with the terms and conditions set forth in the applicable labor agreement.

L. Police Officers and Firefighters. When an ethics complaint has been filed against a police officer or firefighter or the Chief of either the Police or Fire Department, the procedure shall be performed in accordance with the provisions of Wis. Stat. sec. 62.13.

M. Penalties. Violation of any provision of this Code should raise conscientious questions for the incumbent concerned as to whether voluntary resignation or other action is indicated to promote the best interests of the City of Reedsburg. For non-elected officials or City employees, violation may constitute a cause for suspension, removal from office or employment, or other disciplinary action. As an alternative or an addition to the sanctions imposed herein, any person violating the provisions of this sanction shall be subject to a nonreimbursable forfeiture of not less than one hundred (\$100) dollars nor more than five hundred (\$500) dollars.

402 Anti-Harassment and Anti-Retaliation Policy

PURPOSE

The purpose of this policy is to maintain a healthy work environment in which all individuals are treated with respect and dignity and to provide procedures for reporting, investigating and resolving complaints of harassment, discrimination and retaliation.

POLICY

It is the policy of the City of Reedsburg that all employees have the right to work in an environment free of all forms of harassment and retaliation. The City will not tolerate, condone, or allow harassment or retaliation by any employee or other non-employees who conducts business with the City. The City considers harassment, discrimination and retaliation of others to be forms of serious employee misconduct. A violation of this City policy can lead to discipline up to and including termination, with repeated violations, even if “minor,” resulting in greater levels of discipline as appropriate.

PROHIBITED ACTIVITY & RESPONSIBILITY

A. Sexual Harassment

Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of employment; or
2. Submission to or rejection of such conduct by an employee is used as the basis for employment decisions affecting the employee; or
3. Such conduct has the purpose or effect of unreasonably interfering with an employee's work performance or creating an intimidating, hostile, or offensive working environment.

B. Harassment

Harassment is any verbal, written, visual or physical act that creates a hostile, intimidating or offensive work environment or interferes with an individual's job performance.

1. No employee shall either explicitly or implicitly ridicule, mock, deride or belittle any person.
2. Employees shall not make offensive or derogatory comments to any person, either directly or indirectly, based on age, ancestry, arrest & conviction record, color, creed, disability, genetic testing, honesty testing, marital status, military service, national origin, pregnancy or childbirth, race, religion, sex (including sexual harassment), sexual orientation, and use or nonuse of lawful products of the employer's premises during non-working hours. Such harassment is a prohibited form of discrimination under state and federal employment law and/or is also considered misconduct subject to disciplinary action by the City.

C. Retaliation

1. Retaliation against any employee or applicant for filing a harassment or discrimination complaint, for assisting, testifying or participating in the investigation of such a complaint, or for requesting a protected leave of absence or reasonable accommodation, is illegal and is prohibited by the City and by federal statutes.
2. Retaliation can occur from a variety of sources, including co-workers, supervisors or elected officials.
3. Generally, any materially adverse action taken against an employee or applicant “because of” protected conduct is prohibited. The scope of retaliation goes beyond workplace-related or employment-related actions and includes conduct that would dissuade a reasonable worker from making or supporting a charge of discrimination. The significance of any given act of retaliation may depend upon the particular circumstances,

but must be considered “materially adverse”, thus separating significant from trivial harms that normally will not deter discrimination victims from filing a complaint.

Examples of conduct that may be considered retaliation include:

- a. Discharge
 - b. Demotion or not promoting
 - c. Reduction in pay
 - d. Reassignment of job duties
 - e. Giving a less distinguished job title
 - f. Filing false criminal charges against an employee
 - g. Significantly diminishing an employee’s responsibilities
 - h. Unwarranted negative performance evaluations (impacting promotional opportunities)
 - i. Increased scrutiny of employee’s work
 - j. Refusing to restore lost leave time
 - k. Isolation or shunning an employee
4. Complaint Procedure: Any employee who believes that he or she is being retaliated against shall report the incident(s) as soon as possible to their supervisor so that steps may be taken to protect the employee. Where doing so is not practical, the employee may instead file a complaint with another supervisor, Human Resources, the City Attorney, City Administrator or Mayor.
 5. Retaliation is a form of employee misconduct. Any evidence of retaliation shall be considered a separate violation of this policy and is subject to discipline up to an including termination.
 6. Monitoring to ensure that retaliation does not occur is the responsibility of the chief executive officer, supervisors and the appropriate internal investigative authority.

D. Covered Individuals

Individuals covered under this policy include employees and applicants for employment, volunteers, members of the public, elected officials and appointed boards and commissions.

E. Supervisory Responsibilities

1. Each supervisor shall attempt to prevent prohibited activities as defined above by:
 - a. Monitoring the work environment on a daily basis for signs that harassment or retaliation may be occurring;
 - b. Training and counseling employees on what constitutes harassment, sexual harassment and retaliation, on the types of behavior prohibited by the City’s policy and procedures for reporting and resolving complaints of harassment or retaliation.
 - c. Stopping any observation that may be considered harassment or retaliation, and taking appropriate steps to intervene; and
 - d. Taking action to prevent retaliation towards the complaining party or witnesses and to eliminate the hostile work environment where there has been a complaint of harassment, pending an investigation. If a situation requires separation of the parties, care should be taken to avoid actions that appear to punish the complainant. Transfer or reassignment of any of the parties involved should be voluntary if possible and, if non-voluntary, should be temporary pending the outcome of the investigation.

F. Employee Responsibilities

1. Each employee of this agency is responsible for assisting in the prevention of harassment and retaliation through the following acts:
 - a. Refraining from participation in, or encouragement of actions that could be perceived as harassment or retaliation.
 - b. Reporting acts of harassment or retaliation to a supervisor; and
 - c. Encouraging any employee who confides that he or she is being harassed, discriminated or retaliated against to report these acts to a supervisor.
2. Failure of any employee to carry out the above responsibilities will be considered in any performance evaluation or promotional decisions and may be grounds for discipline.

G. Complaint Procedures

1. Any employee encountering harassment or retaliation is encouraged but not required to inform the person that his or her actions are unwelcome and offensive. This initial contact can be either verbal or in writing. The employee is to document all incidents of harassment and retaliation in order to provide the fullest basis for investigation.
2. Any employee who has unsuccessfully attempted to terminate the harassment or retaliation by means of Section 1 and who believes that he or she is being harassed shall report the incident(s) as soon as possible to their supervisor so that steps may be taken to protect the employee from further harassment or retaliation, and so that appropriate investigative and disciplinary measures may be initiated. Where doing so is not practical, the employee may instead file a complaint with another supervisor, Human Resources, the City Attorney, City Administrator or Mayor.
 - a. The supervisor or other person to whom a complaint is given shall meet with the employee and document the incident(s) complained of, the person(s) performing or participating in the harassment or retaliation, any witnesses to the incident(s) and the date(s) on which it occurred.
3. An employee should utilize the City's internal reporting procedure first. However, if after utilizing this procedure the complainant does not feel the complaint has been adequately addressed, the employee may file a complaint with the appropriate state or federal agencies.
4. The internal investigation authority shall be responsible for investigating any complaint alleging harassment, discrimination or retaliation.
 - a. The internal investigative authority shall immediately notify the City Administrator and the City Attorney if the complaint contains evidence of criminal activity, such as battery, rape or attempted rape.
 - b. The investigation shall include a determination as to whether other employees are being harassed or retaliated against by the person, and whether other City employees participated in or encouraged the harassment or retaliation.
 - c. The internal investigative authority shall inform the parties involved of the outcome of the investigation.
 - d. A file of harassment, discrimination and retaliation complaints shall be maintained in a secure location. The chief executive officer shall be provided with an annual summary of these complaints.
5. There shall be no retaliation against any employee for filing a harassment or discrimination complaint, or for assisting, testifying or participating in the investigation of such a complaint.

6. The complaining party's confidentiality will be maintained throughout the investigatory process to the extent practical and appropriate under the circumstances.
7. Complaints of employees accused of harassment and/or retaliation may file a grievance/appeal in accordance with City procedures when they disagree with the investigation or disposition of a harassment or retaliation claim.

IV. DEFINITIONS

- A. **Harassment on any basis (race, sex, age, disability etc.) exists whenever:** Submission to harassing conduct is made, either explicit or implicit, a term or condition of an individual's employment; submission to or rejection of such conduct is used as the basis for an employment decision affecting an individual; the conduct interferes with an employee's work or creates an intimidating, hostile, or offensive work environment. Such conduct is prohibited under this policy and §111.31-111.39 Wis. Stats.
- B. **Non-Verbal:** Sexually suggestive or offensive objects or pictures, inappropriate usage of voicemail, e-mail, the internet or other such sources as a means to express or obtain sexual material, comments etc., printed or written materials including offensive cartoons, suggestive or offensive sounds, whistling, catcalls or obscene gestures. Any material which inappropriately raises the issues of sex or discrimination. Treating an employee differently than other employees when they have refused an offer of sexual relations.
- C. **Other Forms of Harassment:** Persistent and unwelcome conduct or actions on the basis of disability, sex, arrests or conviction record, marital status, sexual orientation, membership in the military reserve, or use or nonuse of lawful products away from work is prohibited under this policy and s.111.31-111.39, Wis. Stats.
- D. **Physical:** Unsolicited or unwelcome physical contact of a sexual nature, which may include touching, hugging, massages, kissing, pinching, patting, or regularly brushing against the body of another person.
- E. **Retaliation (addressed under Title VII of the Civil Rights Act of 1964):** It shall be an unlawful employment practice for an employer to discriminate against any of his employees or applicants for employment, for an employment agency, or joint labor management committee controlling apprenticeship or other training or retraining, including on the job training programs, to discriminate against any individual, or for a labor organization to discriminate against any member thereof or applicant for membership, because he has opposed any practice made an unlawful employment practice by this subchapter, or because he has made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under this subchapter.
- F. **Unwelcome:** Sexual conduct is unwelcome whenever the person subjected to it considers it unwelcome. The conduct may be unwelcome even though the victim voluntarily engages in it to avoid adverse treatment.
- G. **Verbal Harassment:** Sexual innuendoes, degrading or suggestive comments, repeated pressure for dates, jokes of a sexual nature, unwelcome sexual flirtations, degrading words used to describe an individual, obscene and/or graphic descriptions of an individual's body or threats that job, wages, assignments, promotions or working conditions could be affected if the individual does not agree to a suggested sexual relationship.

All of the laws we enforce make it illegal to fire, demote, harass, or otherwise “retaliate” against people (applicants or employees) because they filed a charge of discrimination, because they complained to their employer or other covered entity about discrimination on the job, or because they participated in an employment discrimination proceeding (such as an investigation or lawsuit).

For example, it is illegal for an employer to refuse to promote an employee because she filed a charge of discrimination with the EEOC, even if EEOC later determined no discrimination occurred.

Retaliation & Work Situations

The law forbids retaliation when it comes to any aspect of employment, including hiring, firing, pay, job assignments, promotions, layoff, training, fringe benefits, and any other term or condition of employment.

HARASSMENT/DISCRIMINATION/RETALIATION COMPLAINT FORM

Name of Complainant: _____ Date: _____

Date of Incident: _____ Time: _____

Location of Incident: _____

Name of Witnesses to the Incident [Include email / telephone number if known]: _____

Details of the Incident [Attach additional pages if necessary]: _____

Have you reported this or similar behavior before [If so, please indicate to whom and date reported]?

Have you discussed this complaint with anyone else [If so, please indicate to whom and date discussed]?

Do you know of any documents that may be relevant to this matter [Please attach]?

How would you like this matter resolved? _____

The foregoing information is true and correct to the best of my knowledge.

Signature: _____ Date: _____

Intake Signature: _____ Date: _____

403 Violence Free Workplace

The City strives to maintain a workplace for employees free from any form of violence. The City is committed to preventing workplace violence and to maintain a safe work environment. Engaging in any workplace violence or threats of violence may result in immediate termination of employment.

It is up to each employee to help make the City a safe workplace for all employees. The expectation is that each employee will treat all other employees, as well as customers and potential customers of the City with dignity and respect. Employees can and should expect management to care about their safety and to provide as safe a working environment as possible by having preventive measures in place and, if necessary, by dealing immediately with threatening or potentially violent situations which occur.

Prohibited conduct includes, but is not limited to:

1. Injuring another person physically;
2. Engaging in behavior that creates a reasonable fear of injury to another person;
3. Engaging in behavior that subjects another individual to extreme emotional distress;
4. Possessing, brandishing, or using a weapon of any kind during work hours except for storage in a vehicle consistent with Wisconsin law;
5. Intentionally damaging property;
6. Threatening to injure an individual or to damage property
7. Committing injurious acts motivated by, or related to, domestic violence or sexual harassment; and
8. Retaliating against any employee who, in good faith, reports a violation of this policy.

All threats of or actual acts of violence either direct or indirect, should be reported as soon as possible to an employee's immediate department head or supervisor. This includes threats by employees as well as threats by domestic partners, citizens, vendors, solicitors, or any other member of the public. When reporting a threat or actual acts of violence, the employee should be as specific and detailed as possible.

All suspicious individuals or activities should also be reported as soon as possible to the department head. An employee should not place him or herself in real or perceived danger. If an employee sees or hears a commotion or disturbance near their workstation, the employee shall not attempt to intercede. The department head or supervisor should be contacted, and, if appropriate, 911 called.

The department head or designee will promptly investigate all reports of threats or actual acts of violence and suspicious individuals or activities. The identity of the individual making the report will be kept confidential to the extent possible. In order to maintain workplace safety and maintain the integrity of the investigation, the City may suspend employees, either with or without pay, pending the outcome of the investigation.

Employees found to be responsible for threats of, or actual acts of violence or other conduct that is in violation of this policy will be subject to immediate disciplinary action, up to, and including termination of employment. If a person other than a City employee is found to be responsible for threats or actual acts of violence or other conduct that is in violation of this policy, the City will prohibit such person from entering onto City property.

404 Alcohol and Controlled Substances

The City is committed to providing employees with a safe, healthy and efficient workplace. To maintain the safety and health of its employees and those people to whom the City provides service, the City establishes the following rules:

- The use, possession, distribution, sale, manufacture, or being under the influence of illegal drugs during working hours, including lunch or other break periods, or while on the City's property is prohibited. Illegal drugs include non-prescription controlled substances.
- Employees are prohibited from being under the influence of, using, possessing, distributing, or selling alcohol during working hours, including lunch or other break periods, or while on the City's property, unless on a licensed premise.
- The use of drugs prescribed by a physician or dentist licensed to prescribe drugs which affect an employee's job performance is prohibited. Employees shall promptly inform their supervisor that they are taking a prescription medication which may affect their job performance. In doing so employees do not have to identify the medication or the medical condition for which the medication is prescribed, but rather may provide a physician's certificate of safety to work and of any work restrictions caused by use of the medication. Employees have a duty to ask the employee's physician whether any medication may create a work safety issue.

Any employee reporting to work in an impaired manner will not be permitted to work. Under no circumstances is a City employee to drive a City-owned vehicle or operate City equipment in an impaired state. Substance abusers will be held to the same standards of job performance and behavior as other employees.

Random testing for the presence of non-prescription drugs or alcohol will only be conducted when required by law.

If an employee's supervisor has reasonable suspicion to believe that an employee is either using or under the influence of alcohol and/or illegal drugs during working hours, the employee may be required to submit to a reasonable medical evaluation which may include urinalysis, a blood test, or breath-screening test.

Any employee who is involved in a material work-place accident or incurs a work-place injury will be required to follow DOT testing requirements if they hold a CDL licenses. Other employees may be required to submit to a reasonable medical evaluation which may include urinalysis, blood test, or breath-screening test if reasonable suspicion exist that they were under the influence of alcohol or drugs at the time of the accident.

A positive drug or alcohol test will be considered a violation of this rule and be grounds for discipline, up to and including termination.

Any employee who refuses to submit to a reasonable medical examination shall be considered insubordinate and subject to disciplinary action, up to and including termination.

The City encourages employees who have alcohol/drug dependency to seek counseling or treatment. The City operates an Employee Assistance Program for regular employees.

Employees are required to notify the Administrator within five (5) calendar days following filing of charges and/or conviction of a criminal drug or driving under the influence of alcohol statute. The City may be required to advise Federal/State granting agencies of any convictions, as a condition of receiving assistance.

Employees who are required to possess a Commercial Driver's License (CDL) or those to directly supervise employees who must possess a CDL must comply with the City's drug and alcohol testing policies and federal and state licensing laws governing CDL's.

405 Employee Assistance Program

The City shall operate an Employee Assistance Program (EAP). This program is available for full-time or part-time employees only and is not available to seasonal or limited term employees. The EAP shall offer confidential assessment and counseling services for employees and dependents.

Employees may be requested to attend the EAP as part of a positive program toward improving the employee's performance. Employees are encouraged to enter the program on a voluntary basis. The City recognizes that personal, behavioral and medical circumstances can affect a person's health, safety and/or job performance. Employees may also be affected if their family members experience these circumstances. For these reasons, the City encourages employees and their dependents to use the EAP as a source for good information about many life circumstances and problem solving.

Reports from the agency, firm or person designated to operate the EAP for the City shall only provide the Administrator with summary reports indicating the amount of program usage.

Nothing in this policy shall obligate the City to assume any financial responsibility for the services provided to an employee or a dependent.

- A. The City will provide assistance for employees and their dependents facing life circumstance issues to find and access informational, diagnostic, counseling, treatment and support resources.
- B. Goodman's Behavioral Health Clinic LLC has agreed to act as the Employee Assistance Program (EAP) provider for the City, employees and dependents. The EAP provides up to two hours of assistance each year for assessments, problem solving, resource identification, etc., for each employee and eligible dependent. Goodman's Behavioral Health Clinic LLC does not provide treatment. Employees and eligible dependents that require treatment, additional services or support will be referred to suggested resources that can best meet their needs. The employee or dependents are responsible for all diagnostic and treatment services provided to the employee or dependent.
- C. The City will not discriminate against any employee in areas of job security or promotional opportunity due to their use of the EAP. An individual's voluntary participation in the EAP is confidential and will not be made part of the individual's personnel record. An individual participating in the EAP retains all benefits otherwise available.

- D. Employees are encouraged to contact the EAP voluntarily for a confidential assessment for any life circumstance issue for which they need good information.
- E. It shall be the employee's option to accept or reject a referral to the EAP or any subsequent referral to other resources.
- F. When job performance is affected, the supervisor may offer referral to the EAP at the written warning and suspension stage of discipline. A supervisor or co-worker may remind employees of the availability of EAP services at anytime. Acceptance or non-acceptance of a referral to the EAP will not affect the application of discipline. The offer of EAP services should be documented.
- G. There is no cost to the employee or dependent for using the EAP (up to two hours). If an employee or dependent is referred for additional services (treatment, legal, counseling, financial, etc.) the cost of such services is the employee's or dependent's responsibility. City employee benefits, such as health insurance, may defray some of the cost. Employees may not abuse the opportunity to use the EAP.

Employees and dependents may contact the EAP directly at 608-768-4545 to schedule an assessment. Appointments will be scheduled at locations or in a manner convenient to the employee or eligible dependent at mutually agreed upon times. Employees and dependents may also contact the City's EAP Coordinator or the Administrator for information about the EAP or assistance in scheduling.

Supervisors should contact the EAP Coordinator or the Administrator for consultation and support in any employee performance problem situation. It is the supervisor's job to monitor employee job performance, not to diagnose or counsel employees about personal problems.

If requested, either the EAP Coordinator or Administrator will meet with any employee or dependent to facilitate a referral to the EAP for a professional assessment.

406 Solicitation

In the interest of maintaining a proper business environment and preventing interference with City work and inconvenience to its customers, the City establishes the following rules related to solicitations and distribution of literature on City property, except as authorized by the Administrator:

- Employees may not distribute literature or printed materials of any kind, sell merchandise, solicit financial contributions or solicit for any other cause during work time.
- Employees may not distribute literature at any time in working areas.
- Non-employees may not solicit or distribute literature in or on any City buildings at any time for any purpose.

"Work time" includes the working time of both the employee doing the soliciting and/or distributing and the employee to whom the soliciting and/or distributing is directed. "Work time" does not include break periods, meals periods or any other specified periods during the work day when employees are not, with the permission of their supervisor, engaged in performing their work tasks.

"Working areas" includes all areas of City premises which it owns or has control in which work time activities are taking place and also includes the public areas of the premises.

407 Electronic Communications and Access to Information

This policy governs the use of the City's computers and information systems ("computer networks") by its employees.

Privacy. Any use of the City's computer networks by an employee constitutes a waiver of any right to privacy concerning such use. This includes personal communications. The City reserves the right and may exercise the right to review, audit, intercept, and disclose all communications on City networks at any time without prior notice to employees.

Software. The City has the exclusive right to install all software used on the City's computer networks. The installation of any software on the City's computer networks and work stations during work time or personal time without the City's express approval is prohibited. The City will remove all unauthorized software from its servers or work stations. The City will monitor software use by City employees for licensing purposes and to protect against viruses and unauthorized use of the City's servers or workstations by third parties. All software downloaded must be registered to and becomes the property of the City. Any software or files downloaded via the Internet into the City's network becomes City property.

All software must be used only in ways that is consistent with its license or copyright. No employee may use the City's Internet or e-mail facilities to knowingly download or distribute pirated software or data. Violation of any software license agreements or information services contracts by the unauthorized duplication of software, files, operating instructions or reference manuals is strictly prohibited.

Data. All data, whether on a server or on a workstation, is the City's property. Employees shall not purposefully delete or modify the work product of another City employee, a City member, or customer without the City's consent.

Some data in the City's computer networks is highly confidential; particularly, the City's customer information database ("CID") and all related data of the City members' retail customers and related analyses. The release of such City data to third parties shall be governed by applicable law and City policies concerning the release of retail customer data and related analyses, and the release of data from its CID.

Security and Remote Access. The City may provide employees with a unique user identification (UserID) to gain access to the City computer networks. Authorized users of the City networks will also be required to enter a password to gain access to their individual and shared areas on the network servers and other information resources located on the networks.

The City will provide each City employee or consultant requiring remote access with a unique identification (UserID) to gain access to the City remote communications servers. Remote access is provided to employees needing to access City computer equipment, software, and data from a location other than City offices or member locations. To avoid long distance charges, employees should use the City designated no-charge mode of access. City supervisors are responsible for determining the need for access by City employees.

City employees will be responsible for maintaining the confidentiality of their UserID's and passwords. City employees are required to change their passwords as directed. City employees shall notify the City if they believe that unauthorized users have obtained UserID or password information to gain access to their user area or the City's networks.

The City will change consultant passwords or remove UserID's as frequently as necessary to maintain security on City computer networks.

If the City believes that the security of the City computer networks has been compromised by an unauthorized user or otherwise, the City shall take appropriate action to disable the UserID and passwords of users, work stations, or other access points to the system that may be involved. The City shall revoke an employee's UserID access to the City computer networks upon termination of City employment at the City or at any time based on information indicating the employee has engaged in conduct that could disrupt, interfere, or expose the networks to damage or to unauthorized use.

The City may install filters to block access to inappropriate Internet sites. However, the fact that access to a particular site is not blocked does not necessarily mean that it is an appropriate site.

Computers that use modems to create independent data connections may interfere with the City's network security mechanisms and can potentially be used by a third party to compromise the City's network security. Any computer used for independent dial-up or leased-line connections to any City computer or network must be approved by the City and must be isolated from the City's internal networks.

Prevention of Computer Viruses. Computer viruses and other debilitating programs present a major threat to the integrity of the City's information systems. Viruses are programs that infiltrate a computer environment and disrupt or damage computers, networks, program applications, and data. To prevent such problems from occurring on the City's computer networks, authorized persons will install anti-virus software on servers and workstations. Servers and workstations will be scanned for viruses on a regular basis.

All disks and work station hard drives will be presumed to have viruses. Authorized users on the City's computer networks will, therefore, be responsible for scanning every disk before each use to prevent the propagation of viruses on workstation hard drives, to prevent any potential disruption to the networks, or any disruption that may occur by the transmission of data or material containing a virus to third parties.

Monitoring Communications and Software Use. All communications and data on the City computer networks may be public records subject to disclosure under the state open records law, with certain exceptions. All communications on and uses of the City's networks or applications of any licensed software program installed in a work station or server during work or personal time may be monitored from time-to-time. City employees should be aware that any such communications and other uses of the networks are not private and that the City reserves the right and may exercise the right to access and disclose all messages on the City networks at any time with or without prior notice to the employee.

Data Storage. The City shall be responsible for organizing all data on the City computer networks in a manner that will allow users to readily access files and other information on the networks.

The City shall further establish procedures or protocols governing the deletion and retention of all data on the networks, including the development of record retention schedules.

While the City is responsible for disaster recovery and backup of all data on City servers, City authorized users on the computer networks are responsible for protecting data or information maintained locally at their workstation. This includes backing up data on individual work stations to ensure that data saved on individual work stations conforms to established record retention schedules and that such data is available to authorized users during the appropriate retention periods.

E-Mail. The content and maintenance of the City's electronic mail and shared file storage areas are the user's responsibility. Authorized users should follow standard business etiquette in using this medium.

Like all other communications on the City computer networks, City employees should be aware that electronic mail messages sent within the City networks or on the Internet using the City's computer equipment are not private communications and that all e-mail messages are the property of the City. The City reserves the right to access, review, and disclose all e-mail messages. The City staff should regard all e-mail messages as non-private communications that may be viewed by others.

Employees using e-mail should delete unwanted messages or files immediately in order to preserve disk storage space. Alternatively, users should transfer to disks or hard drives any e-mail messages or files the user wants to save.

Internet Access. The Internet provides access to a wide variety of resources that can assist City employees in the performance of their jobs. The City may monitor Internet usage at work stations and remote sites and maintain a record of employee time on the Internet and sites accessed.

The services available on the Internet are provided on a fee basis or free of charge. Each system has its own rules and limitations. City employees must be aware of computer security and privacy concerns associated with the use of various systems on the Internet. Employees must also guard against computer viruses. Employees must be aware of the costs involved in conducting research or communications on the Internet and must not incur charges for Internet usage without the Administrator's consent.

Personal Use of Networks and Computers. The City recognizes that employee computer use and the information resources available on the City computer networks can enhance employee knowledge of electronic information resources and can sharpen their information technology skills. Personal use of computers during non-working hours is permitted in order to enhance those skills so long as such use does not interfere with the employee's job responsibilities, the work of other City employees or members, or is used to the benefit of third parties. At no time, however, shall the City's computer networks, work stations, or laptops be used by employees for non-City business related purposes by an employee or on behalf of a third party. The City also reserves the right to limit personal use on a case-by-case basis, where more than incidental personal use or abuse becomes apparent to the City.

Personal use of Internet access and e-mail services is permitted during personal time provided that the accessed sites are at no cost to the City and as long as the employee agrees that any messages received or sent may be accessed, reviewed, and disclosed by the City at its discretion. An employee using City equipment on personal time must follow all guidelines set forth in this policy.

Personal time includes breaks, lunchtime, and time outside of established work hours. Employees using the resources to fulfill job responsibilities always shall have a priority over those desiring access for personal use.

All costs associated with personal use of the City's computer networks for printing information must be paid for by the employee. Employees shall reimburse the City for such costs by submitting a Personal Use form to the City Manager.

The use of storage space on servers for personal data is prohibited. Personal data may be stored on an employee's hard drive at individual workstations provided that space is available.

Social Networking. The City recognizes that employees may access and use internet or other social media sites, including LinkedIn, Facebook, My Space, Twitter, Instant Messaging, chat rooms, web sites etc. (collectively referred to for purposes below as "social network").

The City recognizes that there may be legitimate business reasons to access and use social networks for work purposes. If an employee has a legitimate business need to use social networks during working time, the employee should obtain advance approval from the employee's supervisor. Whether or not such usage is approved by the City, the following standards apply to employees' use of social networks:

- A. The City reserves the right to monitor social network use whether during work time, and outside of work hours if such use impacts the City.
- B. Any social networking performed on City property or using City networks is City property and employees do not have any expectation of privacy with respect to any communications utilizing them. The City reserves the right to access and review such usage at any time.
- C. Employees shall not use social networks to disclose trade secrets and confidential information or engage in unauthorized disclosure of City activities through such usage.
- D. Employees shall not display City logos and trademarks on social network sites without the City's permission.
- E. Use of social networks during working time is prohibited except with supervisory approval. Social networks may be used for personal purposes during non-working time (breaks or lunch) and then only in such a fashion as to not impact any employee's performance of City duties and in a manner not prohibited by this policy.
- F. Employees shall not use of the City's email address for registration on social networking sites.
- G. Employees shall not post false or defamatory information regarding the City or any of its employees on social networks.
- H. Employees shall not use of social networking sites in a manner which violates the City's harassment policy or other portions of this Electronic Communications policy.

- I. If an employee participates in social networking activities in such a manner that the employee's affiliation with the City is evident, the employee shall designate that the views expressed by the employee are the employee's private views and not the City's.
- J. An employee shall not represent, either expressly or implicitly, that the employee is a spokesperson for the City, unless authorized to do so by the City.
- K. If an employee expresses an opinion about the City's product or services or those of a City's client, the employee shall disclose that the employee is employed by the City.
- L. Non-exempt employees may not use social networking sites for approved work-related tasks during non-working hours.

Nothing in this policy shall be construed to limit an employee's exercise of §111.70(2), Stats., rights.

Any violations of these provisions may be grounds for discipline, up to and including termination.

Prohibited Activities. City employees shall not interfere with or disrupt the City's computer networks, other networks users, services, programs, software, or equipment.

Interference or disruption with the City networks, other network users, services, software, or equipment may include, but are not limited to the following:

- the use of the City system and/or networks to gain unauthorized access to remote systems;
- the use of the City system to copy unauthorized system files or copyrighted material, such as third-party software;
- intentional attempts to “crash” the City network systems or programs;
- attempting to secure unauthorized higher level privileges on the networked systems;
- the willful or negligent introduction of computer viruses or destructive programs that could adversely affect the City networks;
- sharing password and password information with any other person. If a City employee does share the employee's UserID with another person, the employee shall be solely responsible for the actions that other person has appropriated;
- deleting, examining, or modifying files or work product belonging to other employees without their prior consent; or
- using the network or any of its authorized software for personal gain or solicitation, to harass or threaten others, to send junk mail or “for-profit” messages.

Employees are also prohibited from engaging in the following conduct on the City networks:

- accessing sites or displaying items that may be regarded as offensive, indecent, or obscene by other employees or visitors;
- using abusive or obscene language in any messages transmitted on the networks, including any internal or external e-mail messages and Internet communications;
- engaging in behavior on the networks that is prohibited by the City's policy on harassment;
- engaging in any other conduct that could cause congestion and disruption of the City's networks and systems;
- disseminating political advocacy information;
- engaging in use that interferes with the employee's or another employee's performance of the employee's duties or which otherwise disrupts the operations of the City;
- posting commercial notices or other solicitations;
- engaging in use which is illegal, including the violation of copyright, gambling and pornography laws; or,
- accessing or attempting to access confidential information, including personnel records, medical records and financial information pertaining to the City or any of its employees.

Compliance with Laws. City employees will be responsible for adhering to local, state, and federal laws in conducting their work on the City's computer networks. Any attempt to break those laws through the use of the networks may result in litigation against the offender by the proper authorities. If such an event should occur, the City will fully cooperate with the appropriate authorities to provide any information necessary to assist the relevant law enforcement authorities during the investigation process.

408 Credit Card Usage

The City maintains corporate credit accounts and cards to facilitate purchases. The Administrator will designate which employees will be authorized to use City-issued credit cards. No one other than the authorized individual is allowed to use a City-issued credit card. City-issued credit cards may only be used for authorized expenditures.

The use of a City credit card requires adherence to any and all City policies and procedures currently in effect, including, but not limited to, authorizations, processing and budgetary issues, in particular the provisions of this Handbook that pertain to attendance at conferences, training and seminars and expenditure of City funds. Any employee not following such policies will be responsible for the cost of the item charged and will have the privilege of using a city credit card withdrawn.

Any employee using a City-issued credit card must also use the City's tax-exempt status whenever applicable to ensure that no unnecessary charges are incurred through the use of a City- issued credit card.

Credit cards will be limited to no more than \$2,000 for authorized expenditures at any one time, unless specifically authorized by the Administrator or Clerk/Treasurer, in writing.

When using a city issued credit card, employees must submit the receipt for the items charged, or they will not be processed and will become the responsibility of the employee.

Each month, the department head must review all of the expenditures made with the credit cards, ensure that the expenditures are in conformance with City policies and that all receipts are attached to the monthly credit card statement, prior to submitting the statement for payment. In the event the department head determines that an unauthorized expenditure has occurred, the Administrator must immediately be notified.

Any employee abusing the privilege of using a City of Reedsburg credit card may be subject to disciplinary action, up to and including discharge.

409 Chain of Command

Operation of any government agency depends on an effective chain of command. The ultimate decision concerning policy in the City of Reedsburg resides by law with the Common Council under the leadership of the Mayor and City Administrator. The Administrator, as chief administrative officer of the City of Reedsburg, is the primary professional advisor to the City of Reedsburg and head of the management team. The Directors of Departments of the City are part of the management team, and report to the Administrator. Supervisors subordinate to the Directors are also members of the management team. This management team concept is the process by which a recommendation for action is developed and the decision implemented. This system represents a means of establishing orderly lines of organization and communication as management personnel unite to promote effective services for the community.

The Administrator is responsible for the development, supervision, and operation of the City and its personnel and facilities. The Administrator is given the latitude to determine the best method of implementing the policy decisions of the City Council.

All staff members and supervisors shall be responsible to the City Council and the Mayor through the City Administrator. Each shall refer matters requiring administrative attention to his or her supervisor, who shall refer such matters to the next higher authority, when necessary, and through the Administrator to the City Council. Each employee is to keep the person that the employee reports to informed of the employee's activities by whatever means the supervisor deems appropriate. If an employee has any questions, opinions or suggestions about the information contained in this Manual or about any other aspect of his or her job, then those questions, opinions or suggestions must be directed through the chain of command.

The Administrator and those Department leaders, supervisors, and employees directed by the Administrator shall attend meetings, when feasible. Administrative participation shall be by professional counsel, guidance, and recommendation – as distinct from deliberation, debate and voting of the Council members.

Any employee who receives directives or requests from any individual citizen, business representative or elected or appointed official are to immediately report such directive or request to the employee's

supervisor. No specific directives or requests from such persons are to be fulfilled unless permission to do so is given by the employee's supervisor.

Generally, if an employee has a problem with an individual, then the employee is encouraged to approach that person first and attempt to resolve the conflict. If that does not resolve the problem, then the employee must address the problem through the employee's immediate supervisor and onward through the chain of command. In some cases, the employee's supervisor may decide to refer the problem through the chain of command where it can be addressed by another supervisor or the City Administrator. If an employee feels harassed by another person based on one's protected status, then the employee is directed to follow the harassment reporting Policy in this Manual.

410 Light Duty

A. PURPOSE

This policy only applies to those who are determined to have compensable workplace injuries under Wisconsin's workers compensation system. The Purpose of this policy is to establish a uniform policy and procedure for the administration of a City-wide restricted/modified duty assignment program for employees who are temporarily disabled from performing the duties of their regularly assigned positions due to a work-related injury or illness. This program is intended to provide temporary reassignment of an injured employee only until such time as:

1. the employee is medically released to perform the full range of duties of his/her position
2. the restricted/modified duty assignment is discontinued at the request of the attending physician
3. the employee is medically determined to be permanently disabled and consideration is given to modification, transfer, termination, or retirement; or
4. the restricted/modified duty assignment is discontinued at the option of the City

B. POLICY

Restricted/modified duty assignment is a special short term temporary work assignment provided for employees who have temporary medical restrictions that prevent them from performing some or all of their normal duties. In all cases, a restricted/modified duty assignment is temporary, will have a defined beginning and ending date, and a maximum duration of 8 weeks.

This program shall be administered by the City Administrator. All employees and departments are required to cooperate fully with the Administrator in administration of this program.

The restricted/modified duty assignment will be based on a qualified medical assessment of the employee. It is mandatory for the employee to provide all necessary medical information concerning the extent of their work restrictions and the probable duration of their restrictions. The employee is also required to submit updated work restrictions to the Department Head after every doctor visit.

There is no guarantee of restricted/modified duty assignments. All requests for restricted/modified duty assignments shall be reviewed on a case by case basis. It is at the discretion of the Department Head or his/her designee to determine the duty assignment. Such assignments shall depend in part on the medical limitations of the individual, the availability of suitable work, adequate funding, and the needs of the City. At no time shall a position be created for an employee who has requested and/or accepted a restricted/modified duty assignment. A

restricted/modified duty assignment may be altered to comply with any applicable state and/or federal law.

C. DISCUSSION

An employee's return to work in a restricted/modified duty assignment shall comply with all applicable state and/or federal laws, including Family and Medical Leave Act (FMLA), the American's with Disabilities Act (ADA), and the state Worker's Compensation laws. All requests and/or assignments for restricted/modified duty shall be reviewed by City Administrator or his/her designee to ensure all requirements are being met.

If the employee is unable to perform the essential functions of his/her job because of a serious health condition, they may take FMLA rather than accept a restricted/modified duty assignment. If the employee elects to turn down the restricted/modified duty assignment and exercise their FMLA rights they may no longer be eligible for Worker's Compensation benefits. That determination will be made at the time the employee exercise his/her FMLA rights. If an employee accepts a restricted/modified duty assignment that time will not be counted against the employee's FMLA entitlement.

D. DEFINITIONS

1. Restricted/modified duty assignment: This is a temporary assignment, which shall have a defined beginning and ending date, and a maximum duration of eight weeks
2. Transitional job tasks: These are job assignments that may or may not normally be performed by the employee but fall within the restrictions as outlined by the employee's physician.
3. Work related injury/illness: Any injury or illness that occurs in the course of and arises out of employment.
4. Non-work related injury/illness: Any injury or illness that does not occur in the course of or arise out of employment.

E. PROCEDURE

The following procedure is set forth to assist employees and department managers in clearly understanding the requirements of the restricted/modified duty assignment policy. It is important that appropriate communications be established at all times between the employee, his/her supervisor, his/her physician, the City and the City's Worker's Compensation insurance carrier.

1. An employee who has a work-related injury/illness must have his/her treating physician complete the City's "Medical Status Report" form. (This form may be obtained from the employee's supervisor or from the Clerk's department.) This report provides the City with the physician's diagnosis and the following information:
 - a. Can the employee return to work with no limitations? If no:
 - b. Can the employee return to work on restricted/modified duty assignment and if so, what are his/her limitations?
 - c. If the employee cannot return to work at this time, when is it expected the employee may be able to return to restricted/modified duty assignment?
2. The completed form is to be returned to the Department Head as soon as possible after the employee's doctor's visit. This form along with all other medical information will be held in confidence in accordance with applicable law.

3. The Department Head will then make a determination if there are sufficient transitional job tasks available to return the employee to restricted/modified duty assignment. All transitional job tasks assigned to the employee will be within the restrictions as outlined by the employee's treating physician. The restricted/modified duty assignment will be in writing and will specify a starting and ending date. Any extension of the original restricted/modified duty assignment will be approved by the Department Head and will also be done in writing.
4. The employee is also required to submit updated work restrictions to the Department Head after every doctor visit, detailing the extent of their work restrictions and the probable duration of these restrictions. Any modifications to the original restricted/modified duty assignment will also be done in writing.
5. At no time will an employee exceed the medical restrictions of his/her physician or perform transitional job tasks that are outside of the scope of the employee's physician's recommendations.
6. Upon full release to return to work without restrictions, the employee must submit the proper return to work authorization from their treating physician.

411 Citizen Complaint Process

The purpose of this policy is to establish the City's procedure for filing, processing and resolving a formal or informal complaint filed by any citizen with regard to any City employee, department, service or other concern/request.

It is the City's policy to accept, investigate and attempt to resolve all complaints received. In the event an issue cannot be resolved, the complainant shall be notified by the appropriate City personnel as to why resolution cannot occur and what decision has been made regarding the complaint.

PROCEDURES

- A. The following procedures shall be followed by all City employees upon receipt of a citizen complaint.
 1. A complainant should be encouraged to file his or her complaint in person by completing the Official Complaint Form, including the complainant's signature, found on the City website.
 2. If a complaint is received verbally, over the telephone or in any other form (i.e. mail, e-mail), the Official Complaint Form should be completed by the employee receiving the complaint, with the following information:
 - a. Date complaint was received.
 - b. (Referral): The department that will address the concern.
 - c. (Referred by): The name of the person who received the complaint.
 - d. Name of complainant.
 - e. Address of complainant.
 - f. Telephone/e-mail of complainant.
 - g. Nature of complaint, concern or request, providing as much detail as possible to assist the department that will work to resolve the issue.

3. The complaint should be given or forwarded to the City Administrator's Office for logging. A copy of the complaint will be forwarded to the appropriate department(s) for resolution.
4. A letter will be sent to the complainant by the City Administrator's Office to confirm receipt of the complaint and identify which department will be working with the complainant to resolve their concern.
5. The involved department should investigate or review the identified concern and take appropriate action.
6. The employee who resolves the concern should indicate the resolution on the Official Complaint Form, and obtain approval and signature from the Department Head.
7. A follow-up letter or telephone call should be made to the complainant, informing them of the action that was taken regarding their request or concern.
8. A copy of the letter, if applicable, and completed Official Complaint Form should be returned to the City Administrator's Office to log into the computer and documentation file.
9. Official Complaint Forms will be kept on file for seven years. The complaint log is kept in the computer for seven years.

412 Open Records Policy

The purpose of this policy is to set forth the City's policy and procedure regarding Wisconsin Open Records and Retention Law, as established in State Statute. In the event this policy conflicts with state law, state law will apply.

A. Public Records Access

It is public policy that all individuals are entitled to as much information as provided by law regarding the affairs of government and the official actions of representatives of government. However, access to records is not unlimited, due to the fact that it may interfere with the City's operations and protect the privacy rights of individuals.

The City of Reedsburg shall allow for the public to obtain information and access to public records, make requests for records or obtain copies of records during the City's hours of operation. If a record is held at a City location that does not maintain regular hours, access to records will be provided on 48 hours advance notice. The City will charge a fee of twenty-five cents per copy.

A record requester shall be allowed to inspect or copy a record at during established office hours.

1. **Record copies:** The record requested may be received the following ways:
 - a. Make or receive a copy of a record which appears in written form (§19.35(1)(b)). The requester may be permitted to copy the record or receive a copy substantially as readable as the original. The record custodian has responsibility in determining how a record will be copied.
 - b. May receive a copy of an audio or video recording (§19.35(1)(c)).
 - c. May receive a copy of a transcript, upon request (§19.35(1)(c)).
 - d. May receive a record reduced to written form on paper, if the record is not in "readily comprehensible form" (§19.35(1)(e)).
 - e. The requester may request or take a photograph of a record that does not permit copying (§19.35(1)(f)).

2. **Fees.** A fee may not be imposed that exceeds the actual, necessary and direct cost of reproduction and transcription of a record or photographing or photographing processing, unless specifically established or authorized by law (§19.35(3)(a) and §19.35(3)(b)).
 - a. Prepayment of a fee may be required, if the total amount exceeds \$5.00 (§19.35(3)(f)).
 - b. A mailing or shipping fee may be imposed for the direct cost of mailing or shipping of any copy or photograph of a record (§19.35(3)(d)).
 - c. If the cost of locating a record is \$50 or more, the City may impose a fee that does not exceed the actual, necessary and direct cost of locating the record (§19.35(3)(c)).
 - d. Copies of a record may be provided without charge or at a reduced charged, as determined by the City (§19.35(3)(e)).

B. Record Custodians

The City designates the following individuals as legal custodians of City records: City Administrator, City Clerk, Police Chief, Public Works Director, Library Director.

C. Record Requests

Any requester has a right to inspect any public record upon oral or written request that reasonably describes the requested record or information sought, except as otherwise provided by law (§19.35).

1. A request is sufficient if it “reasonably describes the requested record” (§19.35(1)(b) & (1)(h)).
 - a. A request is not deemed sufficient if it comes without a reasonable limitation as to subject matter or length of time represented by the record (§19.35(1)(h)).
 - b. A request may be made orally, but must be in writing before action is taken (§19.35(1)(h)).
2. A request may not be refused because the requester is unwilling to be identified or to state the purpose of the request, or because the request is received by mail, unless prepayment of a fee is required (§19.35(1)(i)).
 - a. A requester may be required to show acceptable identification whenever the record is kept at a private residence, or for security reasons, federal law or the regulations require it (§19.35(1)(i)).
3. Reasonable access restrictions may be applied if the record is irreplaceable or easily damaged (§19.35(1)(k)).
4. The City is not required to create a new record by extracting information from existing records and compiling the information in a new format (§19.35(1)(L)).

D. Records Defined

1. A “record” is defined as any material on which written, drawn, printed, spoken, visual or electromagnetic information is recorded or preserved by the City, regardless of physical form or characteristics. The following information kept defines a “record” under state law (§19.32(2)).
 - a. Handwritten, typed or printed documentation;
 - b. Maps, charts and blueprints;
 - c. Photographs, film;
 - d. Computer tapes and print-outs;
 - e. Audio and video tapes;
 - f. CD’s, optical disks and microfiche;

- g. E-mail, floppy disks and computer hard drives;
 - h. Electronically created and stored data per Wisconsin Statute §16.612
 - i. Electronic copies of certain documents, per the federal Electronic Signatures in Global and National Commerce Act (E-SIGN).
2. Computer records
- a. A requester may be required to show personal identification if the requested information is kept in a private home, or for security reasons if required by federal law or regulations (§19.35(1)(i)).
 - b. The material used as input for a computer program or the material produced as a product of the computer program is subject to the right of examination and copying, except as otherwise provided in §19.35(1) or this section (§19.36(4)).
 - c. The City is not required to compile or collect statistics, or create a new record by extracting information from existing records and compiling the information in a new format (§19.35(1)(L)).
 - d. E-mail records are subject to the same public records retention law as hard copies of records are.
 - e. Some e-mail records may not be considered public record, due to the fact that they are draft documents or are created or maintained for personal use only and are not related to the City's business
 - f. Any public records statute or rule is applicable to electronic records as well. Accordingly, for exclusively stored records in an electronic format, authorities must do the following (Adm. Code 12.05):
 - 1. Maintain electronic public records that are accessible, accurate, authentic, reliable, legible and readable throughout the record life cycle.
 - 2. Create policies, assign responsibilities and develop appropriate formal mechanisms for creating and maintaining electronic records through the record life cycle.
 - 3. Maintain confidentiality or restricted access to records or records series maintained in electronic format, limiting access to those persons authorized by law, administrative rule or established policy.
 - 4. Utilize information systems that accurately reproduce the records they create and maintain.
 - 5. Describe and document public records created by information systems.
 - 6. Document authorization for the creation and modification of electronic records and, where required, ensure that only authorized persons create or modify the records.
 - 7. Design and maintain new information systems so that these systems can provide an official record copy for those business functions accomplished by the system.
 - 8. Develop and maintain information systems that maintain accurate linkages, electronically or by other means, to transactions supporting the records created where these linkages are essential to the meaning of the record.
 - 9. Utilize information systems that produce records that continue to reflect their meaning throughout the record life cycle.
 - 10. Utilize information systems that can delete or purge electronic records in accordance with the approved retention schedule.

11. Use information systems that can export records that require retention to other systems without loss of meaning.
 12. Utilize information systems that can output record content, structure and context.
 13. Utilize information systems that allow records to be masked to exclude confidential or exempt information.
- g. Applicability. This rule first applies to public records stored exclusively in electronic format and to information systems acquired or substantially modified after the effective date of the rule (5/1/2001) (Adm. 12.06).

SECTION 5 WORK RULES

501 Personal Appearance

City employees are expected to dress and act in a manner consistent with the position they hold and the degree to which they contact the public. City employees are expected to present a personal appearance that projects a positive image of the City.

An employee's supervisor is required to discuss the subject of personal appearance with the employee if it does not positively reflect the image of the City. Employees who are inappropriately dressed in the supervisor's opinion may be sent home and required to return to work in acceptable attire. Under these circumstances the employee shall not be paid for time away from the work site.

502 Tobacco

The use of tobacco products is not allowed in City buildings, facilities or vehicles.

503 Safety

The City attempts to balance City-wide control of some safety and risk management functions with departmental responsibility for the implementation of most functions. Each and every employee should be involved in contributing to a safe environment. Continual emphasis on safety and loss prevention techniques and the refinement of work procedures have been shown to significantly reduce injuries, property damage, and work interruptions. The City has designated the City Administrator as Safety Director and all employees are required to follow direction given by him/her in the area of Risk Management or safety issues. The Safety Director, or designee, will also keep and maintain incidence logs and keep adequate records as required by the state or federal government.

As a condition of employment, all employees are expected to adopt a concept that the safe way to perform a task is the most efficient and the only acceptable way to perform that task. Supervisors have been charged with the responsibility of maintaining a safe work environment and establishing safety rules and adequate training for all under their jurisdiction. Employees are responsible for following the safety rules, wearing the required protective equipment, promptly reporting all unsafe actions, practices and conditions that they observe, reporting all accidents and injuries occurring within the course of their employment, and cooperating and assisting in the investigation of accidents to identify causes and corrective measures to prevent their occurrence. Employees found not to be wearing required protective equipment will be required to leave the job site until properly attired without pay for the first offense, second offense will be a day off without pay. Subsequent offenses will be subject to discipline.

The Deputy Clerk-Treasurer will serve as the Claims Coordinator.

504 Housekeeping

Good housekeeping throughout all buildings is essential to safety, efficiency, and satisfactory working conditions. Every reasonable effort is made to provide facilities necessary to maintain a high standard of neatness and cleanliness. Good housekeeping is the responsibility of every employee. Employees shall know the housekeeping requirements of any job to which they are assigned and are required to carry them out.

505 Tools and Equipment

City employees shall take pride in their work and in the supplies and equipment that they use in their work. The City makes a large investment in the equipment and supplies necessary for employees to do their jobs. The City must pre-approve the purchase of any equipment or furniture. The City will replace equipment that becomes worn or defective through normal use. Replaced equipment must be returned to the City.

The City shall furnish all necessary gloves, belts, hand tools, and all other necessary safety equipment for the protection of employees. Employees shall wear and/or utilize all safety equipment that is provided by the City. The City will be responsible for cost of cleaning and maintaining the provided equipment, however, employees are responsible for the care necessary to ensure the longest possible life of the issued equipment.

City employees shall not use City tools, equipment or facilities for personal use.

Supervisors must be notified within one working day if any equipment, machines, tools, or vehicles appear to be missing, damaged, defective, or in need of repair

506 First Aid or Injury

The City is required to maintain accurate and complete records concerning work-related injuries and illnesses and expects each employee to cooperate in this duty. Therefore, an employee who becomes ill or sustains an injury while at work, no matter how slight, must report it immediately to a supervisor. Failure to report any work-related accident or injury is a violation of City policy and may result in discipline, up to and including discharge.

Employees who require medical assistance will be sent/taken for emergency treatment.

507 Attendance and Punctuality

The City expects prompt and regular attendance from all employees. This means that all employees must be at their appointed work stations on time and fully ready and able to work at their starting time. Proper attendance and punctuality are important in order to maintain a good performance record.

Accurately recording of time worked is the responsibility of every employee. Federal and state laws require the City to keep an accurate record of time worked in order to calculate employee pay and benefits. Employees shall sign their time records to certify the accuracy of all time recorded. Supervisors shall review and initial the time records before submitting them to payroll for processing. In addition, if corrections or modifications are made to the time record, both the employee and the supervisor must verify the accuracy of the changes by initialing the time record. Exempt employees are required to turn in bi-weekly time sheets to the Deputy Clerk/Treasurer.

Unnecessary tardiness and absenteeism has a disruptive impact on City operations and may result in discipline and ultimately termination of employment.

Employees are required to call in and report absences or tardiness to their supervisor before the start of the work day unless circumstances prevent the employees from calling in. If an emergency situation exists, the employee must notify the supervisor at the earliest reasonable time.

An employee who fails to report for work for three (3) consecutive workdays without notice will be deemed to have voluntarily terminated City employment.

The following acts shall be violations of work rules and may be grounds for disciplinary action:

- A. Failure to report promptly at the starting time of a shift; leaving before the scheduled quitting time of a shift; or failure to notify the proper authority of impending absence or tardiness;
- B. Unexcused or excessive absenteeism or failure to report to work;
- C. Frolic or detour for personal business or pleasure while on City time or on City business;
- D. Abuse of sick leave privileges, including but not limited to claiming inability to work due to illness or injury when in fact no such illness or injury exists which prevents working; and
- E. Failure to observe or break time periods.

508 Personal Appointments

Employees are encouraged not to schedule personal appointments during regularly scheduled hours of work. If it is necessary to be absent or to leave for a personal appointment, an employee must notify the supervisor as soon as possible, but no later than the day before such an appointment.

The time absent must be recorded and employees will not be paid for the time missed from work unless sick leave or other paid leave is permitted and available for use.

509 Personal Communications

Employees should take care of personal business outside of work. The City recognizes that there may be times when this is not possible. To minimize the disruption to the work day and other employees, the City expects that employees will make prudent use of City telephones and personal cell phones or other electronic communication devices for personal use. Personal communications should be made during lunch or break periods to minimize disruption of the workday, whenever possible. Misuse or abuse of this personal communication privilege may result in disciplinary action, up to and including termination.

Employees should request that friends and relatives call at work only in emergencies.

Personal use of City telephones for long distance calling, fax machines and copiers is not permitted without prior City approval and may be cause for disciplinary action, up to and including discharge.

510 Work Performance

Violations of work rules include, but are not limited to, the following and may be grounds for disciplinary action:

- A. Insubordination, disobedience, failure or refusal to follow the written or oral instructions of supervisory authority, or failure to carry out work assignments;

- B. Sleeping on the job, temporarily ceasing to work, wasting production time or some other form of neglecting job duties and responsibilities;
- C. Disclosure of confidential information and records to unauthorized persons, when the employee has been informed that the matter is confidential;
- D. Intentionally falsifying records or giving false information relating to any matters relevant to City affairs to other City, State or Federal officers or employees responsible for record keeping or for enforcement of City, State or Federal law;
- E. Failure to observe all safety rules and practices on the job, including failure to use protective equipment and clothing;
- F. Failure to observe all safety rules and practices in the operation of City vehicles and equipment;
- G. Attempting to keep secret or unavailable information or records which are public records or which rightfully should be furnished to other government employees, including unauthorized destruction of records; and,
- G. Failure by a department head or other supervisory person to take appropriate action to enforce or to deal with infractions of these work rules by employees under his/her supervision;

511 Use of City-Owned Property

Violations of work rules include, but are not limited to, the following and may be grounds for disciplinary action:

- A. Abuse or misuse of City property, materials or equipment including motor vehicles;
- B. Stealing or unauthorized possession of City property, equipment, or materials;
- C. Unauthorized use of City property or equipment including but not limited to vehicles, telephones, computers, copy machines, or mail service; and,
- D. Selling, giving away or otherwise transferring City property or the use of City property to any person unless specifically authorized to do so by the Common Council or by a Committee of the Common Council.

512 Personal Actions and Appearances

Violations of work rules include, but are not limited to, the following and may be grounds for disciplinary action:

- A. Commission of a Federal or State crime during hours of employment as a City employee or involving the use of any City property or facility;
- B. Threatening, attempting to inflict, or inflicting bodily harm upon fellow employees, representatives of other agencies, or members of the public while working as a City employee,

except when exercising a privilege conferred by law, and then only to the extent that such activity is legally privileged;

- C. Threatening, intimidating, interfering with, or using abusive language toward fellow employees or members of the public while working as a City employee, including slurs based upon race, reed, gender, or place of national origin;
- D. Sexual or other harassment of any other employee;
- E. Unauthorized possession of weapons on the job site or during working hours;
- F. Making or disseminating false, defamatory or malicious statements concerning other employees, supervisors or officers of the City;
- G. Unauthorized possession or use of alcoholic beverages or controlled substances during work hours, while on City time or property, or while engaging in City business;
- H. Reporting to work under the influence of alcohol or controlled substances;
- I. Manifesting evidence of abuse of alcohol or controlled substances when such abuse affects the employee's performance of his/her employment functions;
- J. Reporting to work in a condition reasonably likely to be unsafe to the employee, other employees, members of the public or to physical property due to the influence of medication or due to illness;
- K. Eating or drinking in unauthorized areas or at times when not authorized by supervisory personnel;
- L. Selling commercial or private products or services on City time or on City premises without written authorization;
- M. Unauthorized solicitation of funds or donations for any purpose on working time;
- N. Unauthorized distribution of printed matter on working time;
- O. Unauthorized possession, lending, borrowing, or duplication of City keys or credit cards; careless or improper use of City keys or credit cards; or failure to report promptly the loss of City keys or credit cards;
- P. When City employment requires wearing of a uniform, unauthorized or improper use of the uniform or failure to wear the uniform property;
- Q. Soliciting or accepting any unauthorized compensation, reward, kickback, gratuity or gift of any kind or value for performing any service related to the employee's job as an employee of the City; and
- R. Intentionally, carelessly or negligently damaging or destroying property owned by members of the public while performing duties as an employee;

- S. Conducting lotteries, playing cards for money, booking bets, or any other form of gambling by employees or outsiders on City time or premises is not permitted.

513 Outside Activities and Employment

Violations of work rules include, but are not limited to, the following and may be grounds for disciplinary action:

- A. Transacting business as a City employee with any business entity in which the employee has an interest except as authorized by law. This paragraph shall not prohibit such transactions if approved by the Common Council after disclosure of the employee's interest in such business entity; and
- B. Engaging in any outside activities or employment which may impair the employee's independence of judgment or the employee's ability to perform job.

514 Political Activities

- A. Employees may participate in political activities, but only to the extent that such activities do not interfere with the employee's job duties or which use or create the appearance that the employee is using City employment for political purposes
- B. Permitted Political Activities. The following types of political activities by City employees are permitted:
 - 1. Membership in a political party.
 - 2. Participation in political party or campaign activities during non-working hours.
 - 3. Making voluntary contributions for political purposes.
 - 4. Management of a political campaign for a candidate during non-working hours.
 - 5. Display of political signs or other campaign materials at the employee's home.
 - 6. Running for a non-partisan office, if the holding of such office would not be incompatible with the employee's status as a City employee.
- C. Prohibited Political Activities. The following types of political activity by City employees are prohibited, and shall constitute violations of work rules and may be grounds for disciplinary action:
 - 1. Using the employee's authority, influence or status as a City employee to interfere with or affect a nomination or election.
 - 2. Using the employee's authority, influence or status as a City employee to intimidate, threaten or coerce any person to vote contrary to his/her free choice.

3. Using the employee's authority, influence or status as a City employee to directly or indirectly intimidate, threaten or coerce any person to pay, lend or contribute anything of value, including services to any political party, organization or candidate for Political purposes.
4. Using the employee's authority, influence or status as a City employee to threaten or to confer benefits or effect reprisals to secure desired political action or inaction.
5. Engaging in political activities while engaged in City employment duties, such as wearing political identification or campaign materials while on duty, parking a vehicle with a car-top political advertisement on City-owned property, passing out campaign materials on City time, placing political stickers or advertising on City vehicles, or similar activities in which the employee's political activities are intertwined with the duties of the employee's City employment.
6. Running for full-time partisan political office while employed by the City. The filing of nomination papers shall constitute running for such an office. Immediately upon such filing, an employee shall take an unpaid leave of absence from the employee's City employment, which shall last until the day after the election in which the employee is a candidate. An employee may use any of the employee's unused vacation time during the period of leave of absence, but may not use sick days during such leave. Failure by an employee to take such a leave of absence shall constitute grounds for termination of the employee's employment by the City.
7. Participating in the solicitation of funds to be used in any manner for a political campaign or political purpose while on duty as a City employee.

SECTION 6

Disciplinary and Termination Procedures

601 Discipline

City employees are at-will employees. This means that either the City or the employee may terminate the employee's employment at any time for any reason, with or without cause and with or without notice, so long it is not for an illegal purpose. The following corrective actions are available for supervisors to use. These procedures are not all inclusive and therefore departments may pursue other discipline methods appropriate to a situation, subject to approval by the Personnel Committee.

A. Available Corrective Activity

1. Oral Reprimand:

This involves a face-to-face meeting between the first line supervisor and the employee to discuss the unsatisfactory areas of the employee's work performance or conduct and suggestions for improvements. The employee should be warned of future disciplinary action if the situation is not corrected. The occurrence of such discussion should be documented by the supervisor, and a copy of such documentation placed in the employee's permanent record. Oral reprimands can be given by the supervisor without approval from the Administrator.

2. Written Reprimand:

This involves a written statement outlining the causes of the reprimand and indicating that disciplinary action will result if not corrected. Where applicable, references to previous oral reprimands should be noted. The written reprimand should be discussed with the employee at the time it is given and placed in the employee's personnel file. Written reprimands can be given by the supervisor without approval from the Administrator.

3. Suspension Without Pay:

This involves a removal from work without pay for a varying length of time, up to five (5) days. Notice of the suspension must be in writing with copies going to the employee, the Personnel Committee and the employee's personnel record. The written notice of suspension shall state the reason for the suspension and the length and dates of the suspension and shall bear the department head's signature. The written notice shall be delivered personally to the employee unless the employee is on vacation or sick leave, in which case it may be mailed to the employee's current or last-known home address as shown in the City's employment records. A suspension without pay must be approved by the Administrator.

4. Alternatives to Suspension:

- a. Reassignment: Under some circumstances, reassignment of an employee to another job situation may be appropriate either as a disciplinary action or as a means of assisting the employee in avoiding disciplinary actions in the future. Where appropriate, the Administrator may offer the employee reassignment in lieu of other disciplinary actions, if another position is

available. If the employee declines reassignment, other disciplinary actions appropriate the employee's conduct may be imposed.

- b. Demotion: In some circumstances, the Administrator may offer demotion or transfer-demotions within a department as a disciplinary action. However, disciplinary demotions should only be made if there is reasonable belief that the action will improve the employee's conduct.
5. Discharge: This involves the employee's termination as a City employee. Discharge may be initiated by a suspension "pending discharge" to provide adequate time for additional investigation. If the facts continue to warrant discharge, the notice of discharge shall be issued in order to effectuate the discharge. All discharges shall be formalized in writing and signed by the department head or designee. Discharges of regular full time employees must be approved by the Personnel Committee.

Disciplinary Warning Notice

Employee's Name _____

Job Title _____

Date of Incident _____

Incident _____

Reason for Notice:

Action Taken On This Notice

_____ Oral warning

_____ Written warning

_____ Suspension for _____ days

_____ Termination

_____ Other (specify) _____

Next Step If Infraction Is Repeated

Supervisor Comments:

Employee Comments:

Signed _____ Signed _____
(Supervisor) (Employee)

Date _____ Date _____

Original to be forwarded to Human Resources for employee's file

602 Separation from Service

All separations from City service shall be designated as one of the following: resignation, layoff, disability or dismissal. The termination date is recognized as the last day on the payroll.

A. Resignation/Retirement

Resignation is a voluntary, permanent separation initiated by the employee. It is expected that employees will give as much notice as possible in order to facilitate recruitment and orientation of new employees. Employees are asked to submit their resignation in writing at least two (2) weeks in advance of their planned departure. Failure to do so will result in the employee not receiving pay-out for accrued vacation and sick leave. A resignation, once submitted, may not be withdrawn but by mutual agreement.

B. Layoff

A layoff is the termination of employment due to a shortage or stoppage of work or funds, functional reorganization, abolishment of a position, or other similar reasons.

C. Disability

An employee may be separated from City service when the employee is unable to perform the required duties due to physical or mental illness, injury or disease with a reasonable accommodation, if such accommodation provides an undue hardship, or the employee poses a direct threat to the employee's self or others.

D. Automatic Termination/Dismissal

Any employee absent from work for three (3) consecutive workdays without adequate notice or satisfactory explanation to the City (i.e. qualified FMLA/WFMLA related absence) shall be deemed automatically terminated. For purposes of this Section, workdays are deemed to be consecutive, notwithstanding their separation by scheduled days off or by approved leaves of absence. Failure to provide the City with a required, signed resignation notice shall be considered absence without adequate notice.

E. Termination

City employees are at-will employees and may be dismissed for any reason at any time, including violation of any of the provisions of this policy handbook.

F. Exit Interview

A separating employee may be offered an exit interview. The voluntary interview will be conducted by the City Administrator or by any department head the separating employee feels

most comfortable with. The purpose of the exit interview is to help the City respond to employee issues and allow the City to improve and develop strategies addressing these issues.

603 Grievance Policy

A. Purpose

The City has established this Grievance Policy ("Policy") for employees to utilize for matters concerning discipline, termination, or workplace safety. The City prefers that employees and management interact in a reasonable manner for purposes of resolving employment issues prior to engaging this Policy.

This Policy does not apply to sworn law enforcement officers, fire fighters. In addition, employment disputes that are covered by state or federal statutes and administrative enforcement mechanisms are not covered by this Policy.

This procedure does not create a contract of employment. City employees are employed at-will and may resign or may be terminated with or without reason, subject to applicable law.

B. Definitions

"Arbitrary and Capricious" means a decision so unreasonable as to be without a rational basis.

"Termination" means a separation from employment by the City for disciplinary or quality of performance reasons. "Termination" does not include layoff, failure to be recalled from layoff, furlough or reduction in workforce, job transfer, non-disciplinary demotion, reduction or position elimination based on failure to meet qualifications, resignation, voluntary quit, abandonment, retirement, nonrenewal of contract, death, separation as a result of physical or mental inability to perform the essential functions of the job, action taken pursuant to an ordinance created under §19.59(1m), Stats., or the end or completion of temporary employment, seasonal employment, contract employment, or assignment.

"Employee discipline" means an employment action which results in disciplinary suspension, with or without pay, disciplinary termination, or disciplinary demotion. "Employee discipline" does not include oral reprimands or warnings, written reprimands or warnings, performance improvement plans, performance evaluations or reviews, documentation of employee acts or omissions, administrative leave or suspension with pay, non-disciplinary wage, benefit or salary adjustments, changes in assignment, action taken pursuant to an ordinance created under §19.59(1m), Stats., or other non-material employment actions.

"Employee" shall not include employees subject to a collective bargaining agreement addressing employee discipline, termination and workplace safety, statutorily appointed individuals identified specifically in statute as serving at the pleasure of an appointing authority, elected officials, and independent contractors, and those employees or officials whose employment status is regulated by the charter ordinance.

"Workplace safety" shall be narrowly construed and not construed to include basic conditions of employment unrelated to physical health and safety. "Workplace Safety" means conditions of employment related to the physical health and safety of employees, as long as such conditions

are not enforceable under state or federal law, and includes safety of the physical work environment, the safe operation of workplace equipment and tools, provision of protective equipment, training and warning requirements, workplace violence and accident risk. "Workplace safety" does not include conditions of employment unrelated to physical health and safety matters, including, but not limited to, hours, overtime, sick, family or medical leave, work schedules, breaks, termination, vacation, performance reviews, and compensation.

C. Process

1. Written Grievance Submission. The employee must file a Grievance within seven (7) calendar days of the termination, employee discipline or actual or reasonable knowledge of the workplace safety issue. The Grievance must be in writing and must be filed with the City Administrator. The Grievance shall contain:
 - a. a clear and concise statement of the relevant facts and dates;
 - b. the identities of people with material knowledge;
 - c. relevant documentation;
 - d. steps taken to informally resolve the dispute and the results of those discussions;
 - e. rationale supporting the Grievance; and,
 - f. the remedy that should be issued.

A Grievance alleging a workplace safety issue shall also identify the workplace rules allegedly violated, if applicable.
2. Administrative Response. The City Administrator shall review the grievance and provide Grievant with a written response within fourteen (14) calendar days of receipt of the written Grievance. The written response shall contain a statement of the basis for the decision to sustain or deny the Grievance, and, if denied, the deadline for the Grievant to appeal the Grievance to an Impartial Hearing Officer. The City Administrator is encouraged to meet with the Grievant to discuss the Grievance.
3. Impartial Hearing. The City Administrator's decision shall be final unless the Grievant files a written appeal requesting a hearing before an Impartial Hearing Officer. The written appeal shall be filed with the City Administrator within seven (7) calendar days of receipt of the Administrative Response. The hearing shall take place within a reasonable time, but in no case more than twenty-eight (28) calendar days from the filing of the written appeal. The Impartial Hearing Officer shall file a written decision within fourteen (14) calendar days of the close of the hearing.
4. Appeal for Review. The non-prevailing party may file a written request for review by the City Council within seven (7) calendar days of receipt of the Impartial Hearing Officer's written response.
5. Decision of the Governmental Body. The City Council shall issue its written decision on the Grievance within twenty-eight (28) calendar days of receipt of the appeal.
6. Time Deadlines. No grievance shall be advanced if not filed or appealed within the Policy's time deadlines. The parties may mutually agree to extend any time deadline, which extension shall not be precedential.

7. Meetings/Hearings. Any meeting or hearing held under this Policy ~~System~~ shall be during off-duty hours unless specifically agreed to by the City.

D. Hearing

1. Selection of Hearing Officer. Following receipt of the Appeal for Review, the City shall select an Impartial Hearing Officer, who shall not be a City employee.
2. Representation. The Grievant shall have the right to representation during the Grievance Procedure at the Grievant expense. The representative shall not be a material witness to the dispute.
3. Nature of the Hearing. The Impartial Hearing Examiner will determine the scope of the hearing based upon the nature of the Grievance so as to provide the Grievant with an appropriate level of procedural due process. Thus:
 - a. The hearing may consist of testimony (not under oath) from witnesses with the opportunity for questioning by all parties and the Impartial Hearing Examiner, informal presentation by the City and the Grievant, or submission on paper record. The Impartial Hearing Examiner shall advise the parties of the manner in which the hearing will be held within seven (7) calendar days of appointment;
 - b. The Grievant shall have the burden of proof;
 - c. The hearing shall not be subject to the rules of evidence, however, depending on the nature of the hearing, a material fact may not be supported solely by hearsay evidence;
 - d. The parties are not entitled to discovery; and,
 - e. The Impartial Hearing Examiner may compel witnesses as permitted under §788.06(2), Stats.
4. Record of Proceedings. The Impartial Hearing Officer shall conduct the proceedings and make a record of the proceedings. Following the issuance of the decision, the record shall be provided to the City Clerk for preservation for a period of at least seven (7) years. The record shall consist of the Grievance, the Administrative Response, a recording (written or audio) of any testimony or statements from the parties and witnesses, and any documents received into the record by the Impartial Hearing Examiner.
5. Hearing Costs. Costs involved in the hearing, included any fees charged by the Impartial Hearing Examiner, shall be borne by the City with the exception that the City is not responsible for any costs incurred by the Grievant for representation or consultation and production of evidence at the Impartial Hearing (including fees to compel witnesses and photocopying expenses).

6. Written Decision. After the close of the hearing, the Impartial Hearing Officer shall issue a written decision containing findings of fact, analysis and an answer to the following question: "Based on the preponderance of the evidence presented, has the Grievant proven the decision of the City was arbitrary or capricious?" The Impartial Hearing Officer shall only overturn it if the administrative decision is arbitrary and capricious.
7. Powers of the Hearing Officer. The Impartial Hearing Officer shall have the power to issue a Written Response to the Grievance as set forth on Paragraph 6. The Impartial Hearing Officer shall have no power to issue any remedy, but the Impartial Hearing Officer may recommend a remedy. Remedial authority shall be subject to the determination and approval of the City Council, and shall be addressed by the City Council in the event the Grievance is sustained.

E. Appeal

1. Written Appeal. The Notice of Appeal shall be in writing and contain a statement explaining the reasons for the appeal and a copy of the Grievance, the City's response to the Grievance, the record of the hearing as defined in paragraph 4(4), above, and the Impartial Hearing Officer's Written Decision. The Notice of Appeal may not include information that was not presented at the hearing. The request shall be filed with the City Clerk and with a copy to the prevailing party.
2. Review. The City Council shall review the materials submitted under paragraph 5(1) and determine whether a rational basis exists for the Impartial Hearing Officer's decision. The findings of fact of the Impartial Hearing Officer shall not be overturned unless clearly erroneous.

In the event the City Council sustains the Grievance, the City Council shall determine an appropriate remedy for the Grievant.

In the event the City Council does not sustain the Impartial Hearing Officer's decision, the City Council may render a new decision and remedy or request the Impartial Hearing Officer to take further evidence and issue a revised decision and recommendation.

Any review by the City Council shall be subject to Wisconsin's Open Meetings Law, in particular the Council's review and deliberation shall be in closed session pursuant to §19.85(1)(a), Stats. The Council vote on the grievance shall be in open session.

Decision. All decisions of the City Council involving the Grievance shall be by simple majority vote of those members present and voting, reduced to writing and filed with the City Clerk within seven (7) calendar days of the date of the final decision. A copy of the final decision shall be delivered to the Grievant. The City Council's decision is final and is not subject to appeal.

APPENDIX A

FAMILY MEDICAL LEAVE POLICY

I. PURPOSE

This policy outlines the provisions of the federal and Wisconsin Family and Medical Leave Acts and the rights and obligations of employees and employers under both laws.

II. POLICY

The Family and Medical Leave Acts provide eligible employees with up to 12 workweeks of unpaid protected leave each calendar year for specified family and medical reasons. The eligibility and entitlements are defined differently under federal and state law.

A. Eligibility

Employees are entitled to FMLA benefits if they:

1. **Federal** – Have been employed by the City of Reedsburg for at least 12 months (not necessarily consecutive); and have worked at least 1,250 hours during the 12 months prior to the start of the FMLA leave.
 - a. Any absence from work due to military service covered under the Uniformed Services Employment and Reemployment Rights Act (USERRA) must be counted toward the employee's 12 month employment period when determining FMLA eligibility.
 - b. Time spent on paid or unpaid leave does not count in determining the 1,250 hour eligibility
2. **State** – Have been employed by the City of Reedsburg for at least 52 consecutive weeks and have worked for at least 1,000 hours during the 52 weeks prior to the start of the FMLA leave.

B. Qualifying Event and Amount of Leave

1. Eligible employees may take up to a total of 12 work weeks of unpaid FMLA leave in a calendar year for the following qualifying events:
 - a. The birth or placement of a child for adoption or, under Federal FMLA, for foster care:
 - i. State law provides up to 6 work weeks of unpaid leave for any one child.
 - ii. Federal law requires that leave conclude within 12 months after the birth.
 - b. To care for the employee's spouse, child, domestic partner (under Wisconsin FMLA), or parent (includes a parent-in-law and domestic partners' parents under the Wisconsin FMLA) with a serious health condition;
 - i. State law provides eligible employees up to 2 work weeks of FMLA family leave.
 - ii. Care for a child does not include the children of the employee's domestic partner.

- c. Qualifying Exigency - Family leave due to an employee's spouse, child or parent being deployed or called to covered active duty in a foreign country as a member of any branch of the military, including the National Guard or Reserves.
 - i. Eligible employees may take leave to care for a military member's parent who is incapable of self-care when the care is necessitated by the member's covered active duty.
 - ii. The amount of time an eligible employee may take for Rest and Recuperation qualifying exigency leave is expanded to a maximum of 15 calendar days.
 - d. For the employee's own serious health condition that renders the employee unable to perform his/her job.
 - i. State law provides eligible employees up to 2 work weeks of FMLA medical leave.
- 2. Military Caregiver - Eligible employees may take up to a total of 26 work weeks of unpaid FMLA leave during a single 12 month period (beginning on the first day the eligible employee takes FMLA leave to care for a covered service member and ends 12 months after that date, regardless of the method used by the employer to determine the employee's 12 workweek of leave of leave entitlement for other FMLA-qualifying reasons) to care for a spouse, child, parent, or next of kin who is a member or veteran of the Armed Forces who suffered an injury or illness incurred/aggravated in the line of duty on active duty for which the servicemen or veteran is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list.
 - a. A covered veteran is defined as an individual who was discharged or released at any time during the five (5) year period prior to the first date the eligible employee takes FMLA to care for the covered veteran. A dishonorable discharge disqualifies the veteran from coverage.
- 3. During the single 12 month period, an eligible employee shall be entitled to a combined total of 26 work weeks of leave under federal law.
- 4. Leave qualifying for both Wisconsin and federal FMLA leave will count against the employee's entitlement under both laws and will run concurrently. When the reason(s) for qualified leave differ, the leave may not run concurrently under federal and state law, and an employee may be entitled to more than 12 weeks of leave in a calendar year. This type of leave occurrence will be evaluated and reviewed with the employee at the time of the leave. Qualified leave taken under Worker's Compensation also will run concurrently with federal FMLA leave.

Under the federal FMLA, spouses employed by the City are jointly entitled to a combined total of 12 work weeks of family leave for the birth or placement of a child for adoption or foster care, and to care for a parent (but not a parent-in-law) who has a serious health condition.

C. Non Continuous or Intermittent Leave

Employees are permitted to take leave on an intermittent (blocks of time) or reduced work schedule:

- 1. When it is medically necessary to care for a family member with a serious health condition or because of the employee's serious health condition.

2. When it is necessary to care for a family member or next of kin who suffered an injury or illness while on active duty.
3. To care for a newborn, adopted or foster child. Federal FMLA leave for the birth or placement of a child for adoption or foster care may not be taken in non-continuous increments unless approved by the City. Under the Wisconsin FMLA, the last increment of leave for the birth or placement of a child for adoption must begin within 16 weeks of that birth or placement.

Medical or family caretaking leave should be planned so as not to unduly disrupt the City's operations. Employees requesting non-continuous federal FMLA leave that is foreseeable based on planned medical treatment for purposes of providing care to a child, spouse or parent with a serious health condition or for the employee's own serious health condition may be required to transfer temporarily to an available alternative position for which the employee is qualified and which better accommodates recurring periods of leave than the regular employment position of the employee. An employee temporarily transferred will receive the same pay and benefits, but may be assigned different duties.

The City allows for intermittent leave to be taken in no less than one hour increments. The employee may not take, or be required to take, more leave than medically necessary to address the circumstances that caused the need for the leave.

D. Payments on FMLA Leave

In general, both Wisconsin and federal FMLA leaves are unpaid. The City may require employees, or employees may choose, to substitute paid leave for which they are eligible (such as vacation days, personal leave, compensatory time or sick leave) for unpaid leave available under the federal FMLA; or employees may choose to substitute available accrued leave for unpaid Wisconsin FMLA.

The City will require that any leave provided by a City collective bargaining agreement be substituted for federal FMLA leave.

E. How to Apply for FMLA Leave

1. Employees must submit a Request for Leave form to the City Administrator at least **30** days, or as soon as practicable, in advance of taking leave. If circumstances do not permit an employee to give notice in advance of taking leave, the employee must notify the City Administrator and submit the Request for Leave form as soon as possible, but no later than the start of their shift applicable to such leave. **Failure to give timely notice may result in the delay or denial of FMLA leave and may subject you to discipline under City policies.**
2. If the leave is for a family member's or the employee's serious health condition, the employee must submit a medical certification from the employee's or the family member's health care provider within **15** days. Documents containing family information must be kept confidential pursuant to the Genetic Information Nondisclosure Act (GINA).

If an employee does not provide the required certification by the designated deadline, or if the City determines that an employee's absence is not covered as FMLA leave, the

leave may not be designated as Wisconsin and/or federal FMLA leave, and the employee may be subject to discipline under City attendance policies unless he or she uses accrued paid leave (like vacation) and/or is granted a non-FMLA leave of absence.

3. Second or third certifications at the City's expense and periodic re-certifications at the employee's expense may be required under certain circumstances. The City requires periodic reports during federal FMLA leave regarding the employee's status and intent to return to work.
4. Forms are available through the Deputy Clerk-Treasurer.

F. Health Insurance Benefits

Group health insurance coverage will be maintained for employees while they are on FMLA leave, on the same terms as if the employee continued to work. The employee will be required to pay his/her regular portion of health insurance premium payments on a schedule established by the City.

The City may recover its share of health insurance premiums paid during a period of unpaid FMLA leave from an employee if the employee fails to return to work (for a minimum of 30 calendar days) after the expiration of the leave. The City may not collect the premiums if the reason the employee does not return is due to continuation, recurrence or onset of a serious health condition that would entitle the employee to leave under FMLA, or other circumstances beyond the employee's control.

The City may discontinue health insurance benefits if the employee fails to make a premium payment within 30 days of the due date after providing written notice to the employee of the cancellation of coverage for non-payment.

G. Other Benefits

Benefits that accumulate based upon hours worked shall not accumulate during the period of FMLA leave. Qualified FMLA leave may be counted as an absence under the City's attendance policy. In addition, an employee may be disqualified from an attendance reward program, and/or any reward may be reduced for having taken unpaid FMLA leave.

Other City benefits i.e. life insurance, dental insurance, vision insurance may be continued during periods of unpaid FMLA leave, and arrangements should be made for employee's portion of the payments with the payroll department.

H. Worker's Compensation and Light Duty

Federal FMLA will run concurrent with worker's compensation provided that the injury meets the criteria for a "serious health condition", as defined by law. Substitution of accrued paid leave is not allowed for Worker's Compensation absences unless an applicable labor agreement provides otherwise.

If an employee accepts a light duty assignment while on worker's compensation, that time may not count against the employee's family or medical leave entitlement. If the light duty position is declined and the employee elects to stay on FMLA leave, the employee may give up their worker's compensation benefits.

I. Return to Work

Any employee returning from FMLA for their own serious health condition must provide a “Fitness for Duty” statement signed by their treating physician. Upon return from FMLA leave, an employee shall be restored to his or her original position or, if the position is not vacant, to an equivalent position with equivalent pay, benefits and other terms and conditions of employment.

An employee will not be restored to their original or equivalent position if they are unable to perform the functions of their job because of a mental or physical condition. [The City may require that the certification specifically address the employee’s ability to perform the essential functions of the job. The City must provide an employee with a list of the essential functions with the “designation notice” and indicate that the certification address the employee’s ability to perform those essential functions. (825.312(b))] [Before an employee who is unable to perform the functions of their job upon expiration of FMLA leave is terminated, the City must consider whether other provisions of City policy or a CBA are applicable or whether the ADA or provisions of the WFEA are applicable.]

III. DEFINITIONS

A. Child

Biological, adopted, or foster child, stepchild, legal ward or, under the federal FMLA, the child of a person having day-to-day care of the child, or a child of a person standing “in loco parentis,” who is under 18 years of age or 18 years of age and older and incapable of self-care because of a serious health condition.

B. Covered Service Member (Federal FMLA)

Active members of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness, AND veterans who were members of the Armed Forces (including National Guard or Reserves) and were released or discharged from service within the five-year period prior to the date the employee’s military caregiver leave began. An individual discharged dishonorably does not qualify.

C. Domestic Partner (Wisconsin FMLA)

Same-sex couples who register in their county of residence and same-sex and opposite-sex couples who are not required to register

1. To qualify as registered domestic partners, two individuals must meet the following criteria: at least 18 years of age and capable of consenting to the relationship, not married to, or in a domestic partnership with another individual, not more closely related than second cousins (whether of the whole or half blood or by adoption), they must share a common residence, and be members of the same sex.
2. To qualify as domestic partners without registration, two individuals must meet the following criteria: at least 18 years of age and capable of consenting to the relationship, not married to, or in a domestic partnership with another individual, they must share a common residence, they must not be related by blood in a way that would prohibit marriage under Wis. Stat. 763.03, they must consider themselves to be members of each

other's immediate family; and they must agree to be responsible for each other's basic living expenses.

D. Incapable of Self-Care

The individual requires active assistance or supervision to provide daily self-care in three or more of the *activities of daily living* (i.e. grooming, hygiene, bathing, dressing, eating) or *instrumental activities of daily living* (i.e. cooking, cleaning, shopping, utilizing public transportation, paying bills, maintaining a residence, using telephones and directories, and using a post office).

E. Next of Kin (Federal FMLA)

The nearest blood relative other than the covered service member's spouse, parent, son or daughter, in the following order of priority: Blood relatives who have been granted legal custody of the covered service member by court decree or statutory provisions, brothers and sisters, grandparents, aunts and uncles, and first cousins, unless the covered service member has specifically designated in writing another blood relative as his or her nearest blood relative for purposes of military caregiver leave under the FMLA. When no such designation is made, and there are multiple family members with the same level of relationship to the covered service member, all such family members shall be considered the covered service members' next of kin and make take FMLA leave to provide care to the covered service member, either consecutively or simultaneously. When such designation has been made, the designated individual shall be deemed to be the covered service member's only next of kin.

F. Parent

Biological parent, foster parent, adoptive parent, stepparent or legal guardian of an employee, or parent-in-law or domestic partners' parents under the Wisconsin FMLA. Under the federal FMLA, "parent" includes an individual who provided day-to-day care to the employee when the employee was a child.

G. Serious Health Condition

An illness, injury, impairment or physical or mental condition that involves:

1. Inpatient care in a hospital, hospice or residential medical care facility; or
2. Under Wisconsin FMLA, outpatient care that requires continuing treatment or supervision by a health care provider (generally defined as requiring two direct, continuous and first hand contacts by a health care provider); or
3. Under the federal FMLA:
 - a. A period of incapacity of more than 3 consecutive, full calendar days, and any subsequent treatment or period of incapacity relating to the same condition, that also involves:
 - i. Treatment two or more times, within 30 days of the first day of incapacity, unless extenuating circumstances exist, by a health care provider, by a nurse under direct supervision of a health care provider, or by a provider of health care services (i.e. physical therapist) under orders of, or on referral by, a health care provider; or
 - ii. Treatment by a health care provider on at least one occasion, that results in a regimen of continuing treatment under the supervision of a health care provider.

- The first or only in person treatment visit must take place within seven days of the first day of incapacity.
 - Whether additional visits or a regimen of continuing treatment is necessary within the 30 day period shall be determined by the health care provider.
- b. Any period of incapacity due to pregnancy or for prenatal care;
 - c. Chronic conditions requiring periodic treatment (defined as at least twice a year) by or under the supervision of a health care provider that continue over an extended period of time and may cause an episodic rather than a continuing period of incapacity (i.e. asthma, diabetes, epilepsy, etc.);
 - d. Permanent/long term conditions requiring supervision for which treatment may not be effective (i.e. Alzheimer's, a severe stroke, or the terminal stages of a disease);
 - e. Multiple treatments by or under the supervision of a health care provider either for restorative surgery after an accident or other injury or for a condition that would likely result in a period of incapacity of more than three calendar days in the absence of medical intervention or treatment, such as cancer (chemotherapy), severe arthritis (physical therapy), or kidney disease (dialysis).

H. Serious Injury or Illness for a Covered Veteran

An injury or illness that was incurred or aggravated by the member in the line of duty on active duty in the Armed Forces and manifested itself before or after the member became a veteran, and is:

1. A continuation of a serious injury or illness that was incurred or aggravated when the covered veteran was a member of the Armed Forces and rendered the service member unable to perform the duties of the service member's office, grade, rank, or rating; OR
2. A physical or mental condition for which a covered veteran has received a VA Service Related Disability Rating (VASRD) of 50 percent or greater and such VASRD rating is based, in whole or in part, on the condition precipitating the need for caregiver leave; OR
3. A physical or mental condition that substantially impairs the veteran's ability to secure or follow a substantially gainful occupation by reason of a disability or disabilities related to military service or would do so absent treatment; OR
4. An injury, including a psychological injury, on the basis of which the covered veteran has been enrolled in the Department of Veterans Affairs Program of Comprehensive Assistance for Family Caregivers.

APPENDIX B

Purchasing Policy

<u>Section</u>	<u>Page</u>
OBJECTIVES	89
COMPETITIVE BIDDING	89
CENTRAL STORES	90
PURCHASE RELATED CHARGES AND ALLOWANCES	90
COOPERATIVE PURCHASING	91
CHARGE CARDS OR CREDIT CARDS.....	91
Charge Cards	
Fleet Fuel Charge Cards	
MISCELLANEOUS CONSIDERATIONS:	99
Encumbrances and Financial Recordkeeping	
Non-budgeted Items	
Insurance Claims	
Local Merchants	
Conflict of Interest	
PETTY CASH	100
PROCEDURES:	
Purchasing Parameters	101
Contracted Services and other Contracted purchases	102
Emergency Purchases	102
Grant Funded Purchases	103
Workflows.....	103

I. OBJECTIVES

Objectives

The objectives of the City's purchasing policy are:

- To ensure that materials, equipment and services are purchased at the lowest prices consistent with quality and performance,
- To provide adequate controls over City expenditures and financial commitments with proper documentation,
- To obtain quality goods required by City departments and to ensure that these goods are at the place needed at the time needed, and;
- To provide a standardized system of purchasing for use by all City departments.

Areas Affected

This policy applies to all City Departments, Utilities or any other component unit that is funded by City taxpayers or ratepayers, either in whole or in part.

II. COMPETITIVE BIDDING

It is the policy of the City of Reedsburg to procure needed materials, equipment and services at the lowest cost consistent with quality and performance. Therefore, all City purchases will be made only after price quotations have been obtained or attempted to have been obtained from different suppliers through either formal or informal means as defined in this policy. Unless required by State Statute, it shall be the Department Heads discretion on the method of obtaining bids. Options include invitations to bid by US mail, e-mail, and publication in the official newspaper, telephone contacts or verbal requests. Purchasers shall attempt to obtain bids from at least three (3) vendors to ensure that comparison pricing is demonstrated.

The only exceptions to this policy are:

- A. Sole-source purchases (i.e., when only one known supplier is available): includes diagnostic vehicle repairs and warranty work that needs to be done by service providers equipped and trained for repairs on the make and model of equipment being repaired.
- B. Emergency purchases and repairs covered by Insurance proceeds;
- C. Items purchased by State contract or under State bid;
- D. Purchases paid with grant funds which require specific purchasing procedures;
- E. Professional services where the City Administrator has waived bidding requirements.
- F. Other justifications as identified by a Department Head to the Administrator.

For purchases below \$5,000, the bidding process is waived although the purchaser is expected to compare prices for routine purchases and supplies. The intent is to look for quality and price over convenience, wherever practical.

The intentional staggering of purchases as well as dividing purchases and/or contracts to consciously evade this policy is strictly prohibited.

III. CENTRAL STORES & PURCHASING

Many of the items purchased by the City are commonly used by all or several departments. By consolidating the needs of all departments, the City can take advantage of price discounts for large quantity orders of these items. Annual orders are encouraged.

Department Heads and all purchasers are strongly encouraged to work together to coordinate purchases of common items between departments.

IV. PURCHASE RELATED CHARGES & ALLOWANCES

Shipping and Freight

It is the policy of the City to avoid paying shipping charges whenever possible. If the City is to pay shipping charges, it must be billed at the time of invoicing. Purchasers, when obtaining price quotations, should inquire into applicable freight charges. Any charges to be paid by the City will be regarded as part of the price quotation when selecting the successful bidder. Unless otherwise stated in the "notice of call for bids", all formal bid proposals shall include freight and delivery charges, if any.

Sales Tax Exemption

The City is exempt from paying city, county and state sales tax. Purchasers have the responsibility to inform vendors of tax exempt status. Tax exempt forms are available in the City Clerk-Treasurer's office.

Invoices received by the City that include sales tax will be amended by reducing the amount of sales tax prior to payment.

Vendor Discounts

It is the policy of the City to take advantage of all available vendor discounts. The following considerations should be kept in mind:

- A. Cash discounts are offered for prompt payment, usually within ten days of the date of the invoice. Department Heads can aid the City by forwarding invoices to the City Clerk-Treasurer's office promptly for inclusion in accounts payable batches.

- B. Trade discounts are sometimes offered to municipalities for the purpose of attracting business. In most cases, the City will not be offered a trade discount unless the purchaser asks if one is available. Therefore, it is essential that Purchasers ask if trade discounts are available when obtaining price quotations.

V. COOPERATIVE PURCHASING

Cooperative purchasing between the City and the State of Wisconsin or between the City and other local governments can result in significant savings on the purchase price of many items. It is the policy of the City to enter into cooperative purchasing agreements when:

- A. substantial savings will result;
- B. quality, availability, or service will not be sacrificed;
- C. the City will be separately billed for its purchases;
- D. ordered items will be delivered directly to the City (unless otherwise agreed to).

The City Clerk-Treasurer shall have the authority to analyze the desirability of cooperative purchasing arrangements and to make recommendations to the City Administrator. The City Council encourages cooperative purchasing but maintains the right to reject any or all such agreements.

VI. CHARGE and/or CREDIT CARDS

During the course of everyday business, situations arise that call for the use of a charge card. Some examples of these situations might be making flight reservations; booking a hotel in connection with a conference; purchasing government publications on-line; etc. A charge card is not meant to interfere with any of the other policies and/or procedures currently in place in terms of purchasing needed items and/or services for the City. Its use is meant to enhance or augment the City's ability to make purchases in the most efficient manner possible. Competitive pricing practices are still required for items purchased on a charge card if above \$500 dollars.

The charge card shall be used where necessary purchases: (1) cannot be billed or invoiced to the City, (2) are too large for payment from petty cash, (3) can only be made by a charge card by policy of the vendor. (For example: on-line booking of air travel or seminar registration). It is suggested to routinely ask if the company would bill the City as this would be the preferred method of payment.

Employees may not make purchases without the prior knowledge of the Department Head.

- A. Here are examples of areas where the charge card **MAY** be used:
 - 1. Lodging (Registering in advance and paying upon departure).
 - 2. Transportation (Flights, car rentals, trains, buses [if inter-city]).
 - 3. Registration fees for conferences and seminars.
 - 4. Costs associated with business-related training.
 - 5. On-line purchases for items such as government or business-related literature.

6. Meal costs (including the standard 20% tip) as follows:
 - a. Costs must follow the standards established in the City's Travel Guidelines/Expense Reimbursement Policy.
 - b. Group meetings where the City is paying (Must receive prior approval of the City Administrator whose approval means that it is appropriate for the City to pay the expense.)
 - c. The City will allow tips up to 20% of the bill to be applied to the charge card. If a tip is made that is in excess of 20%, the overage should be left by the employee in cash and will not be recoverable from the City as a valid expense.
 - d. Employees do not need to obtain tax exemption for individual meals or groups up to three (3) people. Groups over three should try to obtain the tax exempt status. (See Tax Exemption section of this policy below.)

See the section below defining when meal expenses cannot use the City charge card.

- B. Here are examples of areas where the charge card **MAY NOT** be used:
 1. Tips, except when it is part of an approved meal cost.
 2. Personal purchases of any kind.
 3. Cash advances.
- C. Department Heads are responsible for determining the individual(s) in their organization who will have a charge card. Those individuals will be asked to sign an agreement that:
 1. Acknowledges that they understand the purpose of the program;
 2. Certifies that they have read and understand the City's Purchasing Policy.
 3. Confirms that improper use of the card may result in disciplinary action up to and including termination of employment; and
 4. Guarantees return of the card to the program administrator for reasons such as, but not limited to:
 - a. Change in duties,
 - b. Retirement,
 - c. Termination of employment,
 - d. Improper use, or
 - e. Any other sound reason determined by the program administrator.
- D. Tax Exemption - Purchases made on credit cards are still eligible for Tax Exemption. The City, as a government office, is exempt from paying tax on purchases. Tax Exempt Certificates are available by contacting the Clerk-Treasurer Department.

The Purchaser is responsible to provide the vendor proof of the City's tax exempt status at the time the charge is incurred.
- E. Automatic Payroll Deduction - If an unauthorized charge occurs, or if a good faith attempt to receive a tax exemption is not made, the employee must immediately reimburse the difference between what is allowed and the dollar amount being charged to the Accounts Payable Department. If the employee does not submit the difference to Accounts Payable, that lack of action acts as the employee's permission for an automatic payroll deduction for the unauthorized charges or the amount in excess of what is allowed to be taken from the employees next payroll check.

F. Documentation - As with any purchases made for the City, paperwork is required. To ensure that our Accounts Payable Department can make payment of the charge card debt in a timely manner, it will be necessary for the following rules to be followed:

1. Employees who use a City charge card shall, as soon as possible after making a purchase, submit supporting documentation to the Department Head. Supporting documentation may include:
 - a. The vendor's detailed sales receipt;
 - b. Itineraries;
 - c. Rental agreements;
 - d. Completed registration flyers,
 - e. Renewal notification letters,
 - f. Order confirmations, etc.

Documentation must include the name of the vendor providing the goods or services, the date (and time for meal reimbursements), the employee(s) involved, the goods and services received, the amount, and the business purpose.

2. All sales documentation needs to be clearly marked as a charge card purchase with the department/card number indicated and the name of the employee who made the purchase.
3. Department Heads will approve the purchase that was made by placing an account code and initial the submitted documentation as they would with any other request for payment.
4. Department Heads will promptly place the approved charges in the Accounts Payable basket at City Hall. Do not wait for the next batch of bills.
5. The charge card statement will be mailed directly to the Clerk's Office. The statement will be directed to the appropriate Department Head and must be returned with receipts attached.
6. We are required by the charge card vendor to make payment within 20 days of the statement date so we do not have time to search for information.
7. Charge card purchases will have to be paid before Council can approve them. We will include the vouchers in the Council batch following the end of the month when we process our batch of payments made for the month. Based on the vendor's statement date, it will miss the cycle at the end of the current month and would have to wait another month. These vouchers would then be 7 to 11 weeks past the purchase date by the time the Council sees them.
8. Upon leaving employment or when, for good reason, an employee no longer needs to have the charge card, the Department Head will be responsible for retrieving it. The City Clerk-Treasurer, or his/her designee, will maintain a list of employees to whom cards have been issued. Department Heads, therefore, must

inform the Clerk's office when it is necessary to either reassign a card or to remove the employee's name from the list of those who are holding a City charge card.

- G. Loss of Privilege – If an employee exhibits non-compliance with these procedures, warnings for non-compliance will be issued. Upon issuance of the third warning, use of the charge card by that employee will result in a six (6) month suspension.

A Department Head has the right to establish additional restrictions on City charge card use within his/her respective department.

Agreement to Accept the City's Charge Card

The City of Reedsburg employs a charge card program through _____ which empowers selected individuals, you being one of those selected, with the ability to make certain purchases with a charge card. Your signature below serves as verification that you have read and understand the City's Purchasing Policy. It also means that you agree to comply with the policy and are willing to take on the following responsibilities:

1. I acknowledge receipt of a charge card bearing the account number _____.
2. I understand the card is for City-approved purchases only and I agree not to charge personal items.
3. I am fully aware that improper use of this card can be considered misappropriation of City funds and that improper use may result in disciplinary action up to and including termination of employment.
4. I agree to surrender the card immediately upon termination of employment, whether for retirement or for voluntary, or involuntary reasons. If my duties change and new duties do not require that I use a charge card, I agree to surrender the card under these circumstances as well.
5. The card is issued in my name and I will not allow any other person to use the card unless so directed by my Department Head or the City Administrator.
6. I agree that I am considered responsible for any and all charges against my card.
7. I understand that all charges will be billed directly to, and paid directly by, the City. Therefore, any personal charges billed to the City through the charge card could be considered misappropriation of City funds.
8. Because the card is City property, I understand that I may be periodically required to comply with internal control procedures designed to protect City assets. This may include being asked to produce the card to validate its existence and account number.
9. Accounts Payable will receive a monthly reconciliation statement reporting all activity during the statement period. Since I am responsible for all charges associated with my card, I will resolve any discrepancies with designated Accounts Payable personnel or the Program Administrator.
10. I understand that the card is not provided to all employees. Assignment is based on my need to purchase materials for the City and/or to provide for business travel. My card may be revoked based on change of assignment or location. I understand that the card is not an entitlement nor reflective of title or position.

Print Employee Name _____ Date: _____

Employee Signature _____

Print Department Head Name _____ Date: _____

Department Head Signature _____

All fuel for City owned vehicles and equipment will be purchased using a fleet charge card or by signing for gasoline at the vendor location.

The following department's vehicles have been issued a fleet card for each City owned vehicle or equipment:

- Public Works Department
- Fire Department
- Police Department
- Engineering Department
- Building Inspector/Planning & Zoning
- Administration
- Parks Department
- Sewer Department

The Department Head in each area will be responsible for reporting and managing authorized users for their department to the Deputy Clerk-Treasurer.

All users will be issued a Personal Pin # and will be required to enter the pin at the pump to authorize the fuel purchase. All purchases can and will be tracked by the department, vehicle and user. The Department Head has the right to establish additional restrictions on City fleet charge card use within his/her respective department.

The following departments have employees that have been selected to receive fleet charge cards in their name on behalf of the City:

- Department of Public Works
- Parks Department
- Police Department

The Department Heads are responsible for determining the individual(s) in their organization who will have a fleet charge card. Those individuals will be asked to sign an agreement that:

- A. Acknowledges that they understand the purpose of the program;
- B. Certifies that they have read and understand the Fleet Charge Card Policy Section of the City's Purchasing Policy.
- C. Confirms that improper use of the card may result in disciplinary action up to and including termination of employment; and
- D. Guarantees return of the card to the Deputy Clerk-Treasurer for reasons such as, but not limited to:
 - 1. Change in duties,
 - 2. Retirement,
 - 3. Termination of employment,
 - 4. Improper use, or
 - 5. Any other sound reason determined by the Deputy Clerk-Treasurer or Department Head.

Automatic Payroll Deduction - If an unauthorized charge occurs the employee must immediately reimburse the dollar amount being charged to the Accounts Payable Department. If the employee does not submit payment to Accounts Payable, that lack of action acts as the employee's permission for an automatic payroll deduction for the unauthorized charges or the amount in excess of what is allowed to be taken from the employees next payroll check.

Documentation - As with any purchases made for the City, paperwork is required. To ensure that our Accounts Payable Department can make payment of the charge card debt in a timely manner, it will be necessary for the following rules to be followed:

- A. Employees who use a City fleet charge card shall, as soon as possible after making a purchase, submit supporting documentation to the Department Head. Supporting documentation may include:

The vendor's detailed sales receipt.

Documentation must include the name of the vendor providing the goods, the employee(s) involved, vehicle or equipment the fuel is for, the amount, and the date.
- B. All sales documentation needs to be clearly marked as a charge card purchase with the department/card number indicated and the name of the employee who made the purchase.
- C. Department Heads will receive the fleet card statement at the end of each billing cycle, and approve the purchases made by writing the proper account code and signing the statement. The Department Head will be required to attach the supporting documentation to each statement.
- D. Department Heads will promptly place the approved charges in the Accounts Payable basket at City Hall.
- E. Upon leaving employment or there is no longer a need for an individual to have a fleet charge card, the Department Head will be responsible for retrieving the card. The City Clerk-Treasurer, or his/her designee, will maintain a list of employees to whom cards have been issued. Department Heads, therefore, must inform the Clerk's office when it is necessary to either reassign a card or to remove the employee's name from the list of those who are holding a City charge card.

Loss of Privilege – If an employee exhibits non-compliance with these procedures, warnings for non-compliance will be issued. Upon issuance of the third warning, use of the fleet charge card by that employee will result in a six (6) month suspension.

A Department Head has the right to establish additional restrictions on City fleet charge card use within his/her respective department. Questions on this policy can be directed to the City Clerk-Treasurer.

Agreement to Accept the City's Fleet Charge Card

The City of Reedsburg employs a fleet charge card program through _____ which empowers selected individuals, you being one of those selected, with the ability to make fuel purchases with a charge card. Your signature below serves as verification that you have read and understand the Fleet Charge Card Policy Section of the City's Purchasing Policy. It also means that you agree to comply with the policy and are willing to take on the following responsibilities:

1. I acknowledge receipt of a charge card bearing the account number _____
2. I understand the card is for City-approved fuel purchases only and I agree not to charge personal items.
3. I am fully aware that improper use of this card can be considered misappropriation of City funds and that improper use may result in disciplinary action up to and including termination of employment.
4. I agree to surrender the card immediately upon termination of employment, whether for retirement or for voluntary, or involuntary reasons. If my duties change and new duties do not require that I use a charge card, I agree to surrender the card under these circumstances as well.
5. The card is issued in my name and I will not allow any other person to use the card unless so directed by my Department Head.
6. I agree that I am considered responsible for any and all charges against my card.
7. I understand that all charges will be billed directly to, and paid directly by, the City. Therefore, any personal charges billed to the City through the charge card could be considered misappropriation of City funds.
8. Because the card is City property, I understand that I may be periodically required to comply with internal control procedures designed to protect City assets. This may include being asked to produce the card to validate its existence and account number.
9. Accounts Payable will receive a monthly reconciliation statement reporting all activity during the statement period. Since I am responsible for all charges associated with my card, I will resolve any discrepancies with designated Accounts Payable personnel or the Department Head.
10. I understand that the card is not provided to all employees. Assignment is based on my need to purchase fuel for the City's vehicles and equipment. My card may be revoked based on change of assignment or location. I understand that the card is not an entitlement nor reflective of title or position.

Print Employee Name _____ Date: _____

Employee Signature _____

Print Department Head Name _____ Date: _____

Department Head Signature _____

VII. MISCELLANEOUS CONSIDERATIONS

Encumbrances and Financial Recordkeeping

Encumbrances are commitments related to contracts that have been issued, but for which no goods or services have yet been received. Encumbrances are recorded as they occur for budgetary control purposes.

The signing of a contract creates an encumbrance of the amount required to be paid during the current year. This amount is no longer available for obligation or expenditure, unless the contract is canceled. Encumbrance records shall be maintained by the City Clerk-Treasurer.

Non-Budgeted Items

Purchases that have not been provided for in the current budget will require Council approval through budget transfers or amendments. The Department Head shall notify the City Clerk-Treasurer and provide written documentation regarding the expenditure. This information will be provided to the Finance Committee for a recommendation to Council concerning purchase approval and necessary budgetary transfers or amendments.

Insurance Claims

Purchases resulting from an accident or loss covered by the City's insurance policy will be treated as non-budgeted items. Although money will be received from the claim, this is deposited into an "Insurance Proceeds" revenue account. Purchases will be expended from the appropriate capital outlay or maintenance account, hence necessitating a budget amendment.

Local Merchants

The City will give utmost consideration to local merchants taking price and service into account.

Conflict of Interest

Employees of the municipality are regulated by State Statute 946.13 concerning Conflicts of Interest. The current statutory limit is \$15,000. For lesser amounts, it shall be unethical for any City employee to participate directly or indirectly in a purchase or contract when the City employee or any member of the employee's immediate family has a financial interest pertaining to the contract or purchase unless the contract has been competitively bid or the service is highly specialized and only one supplier is available.

New Vendors

New vendors must be approved and created prior to the purchase being initiated to satisfy internal control procedures. To facilitate approval, complete the New Vendor Request Form found at ----- Request and submit it to the Deputy Clerk-Treasurer.

VIII. PETTY CASH

A petty cash fund has been established to expedite miscellaneous purchases and payment of small bills that are not required to be handled under the City's established purchasing policy. All City personnel, with the approval of their respective Department Heads, may use the petty cash fund within the guidelines established below. The petty cash fund shall be administered by the City Clerk-Treasurer or designee.

To be eligible for using the petty cash fund, the following two requirements must be complied with:

1. The items purchased are not regularly stocked in other departments.
2. The purchase price may not exceed \$20 although the City Treasurer may waive this limit in certain situations.

In addition, the following items are prohibited from payment out of the petty cash fund:

1. Regularly stocked items
2. Personal services
3. Cashing of personal checks
4. Payment for materials or equipment from a vendor which the City maintains an account.

The following procedure shall be used when administering the petty cash fund:

Buyer -

1. Completes petty cash voucher, giving date, item purchased, price and department and account to be charged, or
2. Submits vendor's receipt showing details of the purchase and indicates account to be charged.

City Clerk-Treasurer -

1. Counter-signs petty cash voucher or vendor's receipt.
2. Reimburses buyer.

IX. PROCEDURES

Purchasing Parameters

Routine budgeted purchases made by the City of Reedsburg may be grouped under the following categories:

- A. Purchases under \$20 may be made from the petty cash fund with proper authorization.
- B. Purchases under \$500 are authorized by a Department Head without further authorization except that purchases shall meet the competitive bidding requirements, and the item is included in the current budget.
- C. Purchases from \$501 to \$10,000 dollars shall be approved prior to ordering by the City Clerk-Treasurer, but only after the Department Head complies with competitive bidding requirements, with copies of bids or quotes received to the City Clerk-Treasurer, and the item is included in the current budget.
- D. Purchases from \$10,001 to \$50,000 shall be approved prior to ordering by the City Administrator, but only after the Department Head complies with competitive bidding requirements, forwards a completed copies of bids or quotes received to the City Clerk-Treasurer, and the item is included in the current budget.
- E. Purchases over \$50,000 shall be approved prior to ordering by the City Finance Committee, but only after the Department Head complies with competitive bidding requirements, forwards a copy of bids or quotes received to the City Clerk-Treasurer, and the item is included in the current budget.
- F. Construction and public works contracts must be advertised and bid according to state law.
- G. Except for labor, Department Heads shall request transfers of budgeted funds in the General Fund within each function code. Department Heads are required to monitor total spending for each of their function budgets and not exceed the total budgeted amount for each function. The total budget for each function will be considered the spending parameter for legal notice purposes. These transfers are approved or denied as part of the process according to the thresholds set in this policy for the City Clerk-Treasurer and/or the City Administrator.
- H. Unbudgeted or Under-budgeted Purchases (items not covered by (G) above). The City Finance Committee and Common Council must approve all non-budgeted purchases prior to purchasing. The Department Head must still comply with competitive bidding requirements, forward a copy of bids or quotes received to the City Clerk-Treasurer.

X. CONTRACTED SERVICES & OTHER CONTRACTED PURCHASES

Department Heads do not have legal standing to enter into contracts on behalf of the City unless expressly authorized to do so by the City Council.

Contracts must be reviewed by the City Attorney as to form. For routine services or renewal contracts, the City Clerk-Treasurer, Mayor, or City Administrator are authorized to execute the contracts without Council action, provided that the expense is budgeted and other provisions of this policy are complied with. Two of the three persons must sign each contract.

Department Heads must follow all competitive bidding requirements for procuring contracted services or purchases.

The City Administrator shall have authority to sign contracts to purchase vehicles or equipment provided they are included in the annual budget and meet guidelines of the purchasing policy.

For purposes of this policy, contracts are defined as any document:

1. Requiring signature of statutory officers of the City.
2. Expressly waiving liability of the vendor.
3. Expressing a scope of service to be performed by the vendor.
4. Placing conditions (other than payment) upon the City.

XI. EMERGENCY PURCHASES

Emergency purchasing procedures should only be used when normal purchasing channels are not feasible. Emergency purchases may be made:

- When there is a need for immediate delivery of items.
- To prevent delays in work or construction schedules.
- When there is an immediate threat to employees, public health or safety, or
- To meet emergencies rising from unforeseen causes.

For emergency purchases over \$501, the Department Head shall take the following steps:

1. Notify the City Administrator of the emergency and receive waiver of provisions of the purchasing policy.
2. Complete a purchase requisition after the fact and document emergency status in the "Notes" section.

XII. GRANT FUNDED PURCHASES

Prior approval from the Finance Committee is required when the grant requires a City matching contribution. Approval must be granted prior to the submission of the grant application. City matching contributions are defined to include any monetary contribution, change in service or staffing.

Purchasing Procedure

**Department of Purchase
Under \$500** →

Department Places Order
Vendor Fills Order
Staff may approve budgeted contracts.

Between \$500 and \$10,000 →

Prior Approval Is Needed:
Department Head Obtains 3 quotes
Completes Purchase requisition
Verifies that Item is budgeted or requests transfer
Forwards to City Clerk-Finance Director
Staff may approve budgeted contracts

Between \$10,001 and \$50,000 →

Prior Approval Is Needed:
Department Head Obtains 3 quotes
Completes Purchase requisition
Verifies that Item is budgeted or requests transfer
Forwards to City Clerk-Finance Director
Finance Director forwards to City Administrator
Staff may approve budgeted contracts

Over \$50,000 →

Prior Approval Is Needed:
Department Head Obtains 3 quotes
Completes Purchase requisition
Verifies that Item is budgeted or requests transfer
Forwards to City Clerk-Treasurer
Finance Director forwards to Finance-Personnel
Committee
Staff may approve budgeted contracts

**Unbudgeted or Under-budgeted
Purchases** →

Prior Approval Is Needed:
Department Head Obtains 3 quotes
Completes Purchase requisition
Identifies Revenue Source and requests amendment
Forwards to City Clerk-Treasurer
Finance Director forwards to Finance-Personnel
Committee and Common Council
Council must approve all contracts.

APPENDIX C

Disposal of City Property

I. DISPOSAL OF SURPLUS CITY PROPERTY.

A. Definitions:

1. “Surplus City Property” is that property which is owned by the City of Reedsburg and which has no further usefulness to the City. An item of property shall be considered to have no further usefulness when:
 - a. The item or its function has been totally replaced by other City property and no probable future function exists for it; or
 - b. The City no longer performs the service for which the item was purchased and no other service can reasonably be provided by the item; or
 - c. The item is no longer able to reliably or economically perform the work required of it.
 - d. The item has been used up such that it does not perform the function for which it was designed.
 - e. The item was acquired by the City as a result of a business transaction and the item does not have any use for any City service.
2. Surplus property as defined in this Section shall not include land or buildings, but shall include fixtures and such salvage as may be taken from a building without structural damage when such fixtures and salvage are not part of a demolition contract. Surplus City Property shall not include property which is obtained by the City as a result of abandonment or loss by the property’s original owner. Surplus City Property shall not include library materials used by the public library for lending purposes, nor to any other library property acquired pursuant to s.43.58(1) Wis. Stats.

B. Determination of Surplus City Property.

1. Original purchase price less than \$100: determination by the user of the property if the item has been used up such that it does not perform the function for which it was designed.
2. Original purchase price less than \$1000: determination by the Department Head.
3. Fair market value less than \$5000: determination by the Department Head.
4. Fair market value more than \$5000: the Department Head shall bring a request to the City Administrator for determination that the item is surplus City property.

C. Disposition of Surplus City Property.

1. Whenever the appropriate authority has determined, pursuant to the previous section, that the item is Surplus City Property, the Department Head responsible for the items shall dispose of the property by one of the following means:
 - a. Donation to a nonprofit organization within the City or to a governmental agency.
 - b. Public auction.
 - c. Sale by sealed bids.
 - d. Sale on ebay or another similar auction website.
 - e. Trade in.
 - f. A commercial resale service for City motor vehicles.
 - g. Destruction.
2. In the event a public auction or sale by sealed bid, the item will be sold in “as-is” condition to the person submitting the highest bid. The Department Head responsible for the item shall determine the time in which the successful bidder must remove the item. In the event the item is not removed within that time, the item shall revert to the City and the amount of the bid shall be forfeited to the City. In the event no bids are received, the item shall be disposed of as determined by the Department Head if the value is less than \$5,000 or by the City Administrator if the value is greater than \$5,000.
3. The Department Head shall notify the City Administrator when fixed assets are disposed of so the fixed asset listing of the City can be updated. No public auction or awarding shall occur under this Section unless a description of the item to be sold and an advance notice of the time and place of such auction or bid submission is first noticed. The posting of the item of surplus property on the City website and the City Hall posting bulletin board shall be sufficient notice.

- D. Determination of Fair Market Value.** Whenever this Section requires determination of the fair market value of an item of property, that determination shall be made by the Department Head responsible for the property, whose decision shall be final. Determining value shall include the reasonable cost of the time spent by any City employee in the marketing and sale of the property.

E. Employee Purchase of Surplus City Property.

1. No employee or elected official or any member of their immediate family may purchase or acquire any item of surplus City property unless such purchase or acquisition is made pursuant to public auction, sealed bid, ebay or other similar auction site and such bid is the highest bid.
2. In the event that an employee or elected official is the highest bidder for an item of surplus property, that employee or elected official shall provide notice to the Common Council of such acquisition.

II. LOST AND ABANDONED PROPERTY.

A. City Custody of Lost or Abandoned Property.

1. Property which appears to be lost or abandoned, discovered by officers or turned in to the Chief of Police shall be disposed of according to this Section.
2. Lost and abandoned property will be examined by the Chief of Police or his designee for identifying marks in an attempt to determine the owner. If identifying marks are present, they shall be used by the Chief of Police to attempt to contact the owner to return the property. If no identifying marks are present, the property shall be taken into custody by the Chief of Police.
3. No City employee shall keep for his or her own use property found in the course of duty, nor take possession of property during off-duty hours when the discovery was made while on duty.
4. The Chief of Police shall permit citizens to claim lost property if they can provide sufficient proof that they are rightful owners.
5. No City employee shall receive any lost, stolen, abandoned or other unclaimed property from the Chief of Police, unless that person received a written receipt signed by the Chief of Police and notice is provided to the Common Council of such acquisition.

B. Disposal Procedures of Lost or Abandoned Property.

1. Classes of Property. All property which has been abandoned, lost or remained unclaimed for a period of ninety (90) days after the taking of possession of the same by the City shall be disposed of as follows, except that if the property is usable for City operations, the property need not be sold at auction, but may become the property of the City.
 - a. Vehicles not needed for City use will be disposed of following the guidelines of Surplus City Property.
 - b. Intoxicating liquor and fermented malt beverages shall be destroyed.
 - c. Firearms or ammunition shall be returned their rightful owner, destroyed, or transferred to the State Crime Laboratory, the division of law enforcement services of the Department of Justice, the Federal Bureau of Investigation or the Alcohol, Tobacco and Firearms Bureau of the US Department of Treasury. Any explosive, flammable, or other material proving a danger to life or property may be disposed of immediately upon taking possession thereof.
 - d. Other property with a fair market value of less than \$100 shall be destroyed or sold at public auction. Perishable property which deteriorates to a fair market value of less than \$100 shall be destroyed.
 - e. Other property with a fair market value over \$100 shall be sold at public auction or by sealed bid.
 - f. Illegal property which cannot be legally possessed shall be destroyed.

- g. Bicycles determined to be abandoned or unclaimed may be sold at public auction, donated to a not for profit organization or sold at a fixed price as determined by the Chief of Police.
- 2. Disposal by Auction or Sealed Bid.
 - a. Whenever any property under this Section is sold by public auction or sale or by sealed bid, such auction or the awarding of bids shall be preceded by a notice on the Police Department website and posted on the City Hall bulletin board describing the property and arranging the time and place for the auction or bid submission. The property auctioned or sold by sealed bid shall be sold in “as-is” condition to the highest bidder. No sale or auction shall occur until the Chief of Police has determined that the property has no value to any probable investigation or legal proceeding.
 - b. Any City official selling property under this Section shall maintain for two (2) years an inventory of any property disposed of by auction or sale by sealed bid and shall include a record of the date and method of disposal, any payment received for the property, and the name and address of the person acquiring the property.
- 3. Lost Property. Property which is found by persons and delivered to the Chief of Police for the purpose of locating the former owner shall not be considered abandoned or unclaimed under this Section until it has been held for ninety (90) days and until thirty (30) days after mailing to the person finding the property a notice that he may claim ownership of said property. The Chief of Police shall determine what portion, if any, of the property or its value shall be given the finder. This provision shall not apply to any City employee finding property in the regular course of his employment.
- 4. Payment to City Treasury. All sums received from the sale of property under this Section shall be paid to the City Treasury, including a list of items sold.

APPENDIX D

ADA Title I Policy

I. PURPOSE

This policy outlines the provisions of the Americans with Disabilities Act (ADA) of 1990 and the rights and obligations of employees and the city under federal and state law.

II. POLICY

In accordance with the Americans with Disabilities Act of 1990, the Rehabilitation Act of 1973, the ADA Amendments Act of 2008 and the Wisconsin Fair Employment Act, the City of Reedsburg prohibits discrimination against qualified individuals with disabilities in all employment practices, including: job application procedures, hiring, firing, advancement, compensation, training, and other terms, conditions, and privileges of employment. The City of Reedsburg is committed to providing reasonable accommodations for eligible employees, provided they can perform the essential functions of the job, citizens who are eligible for the receipt of service and/or applicants with documented disabilities.

A. Application Process

In accordance with the law, all applicants for City positions must have accessibility to all steps in the selection process and are protected from disability related questions that could potentially screen them out of the application process. Applicants may not be asked questions that are likely to elicit information about a disability, including whether an applicant has a particular disability. Inquiries regarding an applicant's medical or worker's compensation history may also not be asked. However, applicants may be asked questions concerning their ability to perform the essential functions of a job. An applicant may not be asked to describe or demonstrate how they would perform the job functions, unless all applicants are asked to do this or if the disability is obvious or the applicant discloses a hidden disability.

Reasonable accommodation will be provided to qualified applicants during the selection process to ensure that all applicants have accessibility to all phases of the process. Accommodations may include making an interview room accessible, or supplying an interpreter or reader.

B. Pre-Employment

Pre-offer physicals are prohibited by the city, as are inquiries regarding the existence of an applicant's disability or the nature and severity of the disability.

After an offer of employment has been extended, it may be conditioned on the results of a medical examination, as long as all individuals in the same job category have to undergo a medical exam. The information received during medical examinations will remain confidential. However, a supervisor may be told of a candidate's necessary restrictions and/or accommodations.

If the existence of a disability is revealed during the medical exam, the offer of employment may not be withdrawn unless: (1) the reason is job related and consistent with business necessity and no reasonable accommodation can be made; (2) the disability poses a *direct threat* to the health and safety of the applicant, other employees or the general public, and which cannot be eliminated by reasonable accommodation.

C. Reasonable Accommodation

The city is committed to making reasonable accommodation in job duties, the work environment, and the application process to enable a qualified individual with a disability to enjoy equal employment opportunities, as long as such accommodations do not constitute an undue hardship on the city.

D. Complaint Procedure

If an employee believes they have been discriminated against in employment on the basis of disability, an internal complaint may be filed through the City's harassment complaint procedure, or a formal complaint may be filed with the Wisconsin Equal Rights Division of the Department of Workforce Development and/or the federal Equal Employment Opportunity Commission.

III. PROCEDURE

A. Requests for Accommodation

An employee who believes they need a reasonable accommodation to perform an essential function of their job should make that request through their direct supervisor, the City Administrator or Human Resources Director. The city will work with the employee to determine if their disability can be reasonably accommodated.

When a request for accommodation is received by a supervisor or when it is apparent that a reasonable accommodation may enable an individual with a disability to perform the essential functions of the position or participate in the employment process, the employee should be directed to submit a ***“Reasonable Accommodation Request Form”*** with appropriate supporting documentation to the City Administrator.

All requests for accommodation shall be responded to in a timely fashion, after the supervisor has engaged in the “interactive process” with the employee requesting accommodation. Supervisors are encouraged to request assistance from the Human Resources Department or other outside sources, as necessary.

The city reviews all requests for accommodation on a case by case basis and may provide a reasonable accommodation that allows the qualified individual with a disability to achieve the same level of job performance as other similarly skilled employees. The city is not obligated to provide an accommodation that causes an undue hardship on the city.

B. Documentation of Request for Accommodation

Documentation of the request for accommodation and the response (provided on the ***“Response to Accommodation Request Form”***) by the supervisor and/or City Administrator should be forwarded to the Clerk's Department and shall be kept in a confidential file (separate from personnel and/or medical files).

IV. DEFINITIONS

- A. “Disability” as defined under the Americans with Disabilities Act of 1990** (42 U.S.C. sec. 12101) and the ADA Amendments Act of 2008: A physical or mental impairment that substantially limits one or more major life activities (sometimes referred to in the regulations as an “actual disability”, or a record of a physical or mental impairment that substantially limited a major life activity (“record of”), or when a covered entity take an action prohibited by the ADA because of an actual or perceived impairment that is not both transitory and minor (“regarded as”).

- B. “Disability” as defined under the Wisconsin Fair Employment Act (Section 111.32):** A physical or mental impairment which makes achievement unusually difficult or limits the capacity to work; has a record of such impairment; or is perceived as having such impairment.
- C. Direct Threat To Safety:** A significant risk to the health or safety of the individual or others that cannot be eliminated by reasonable accommodation.
- D. Essential Job Functions:** Those activities of a job that are the core to performing the position that cannot be modified. A function is essential if: the job exists to accomplish the function, only a limited number of employees can perform the function, the function is highly specialized and an employee is hired for his/her expertise in the area. Other factors that may be considered in determining whether a function is essential are: the amount of time an employee spends performing the function, the consequences if the employee were not required to perform the function, the terms of applicable collective bargaining agreements, the work experience of previous employees who held the job, and the work experience of employees in similar jobs.
- E. Interactive Process:** The process by which an agent of the employer and individual requesting accommodation engage in, to discuss physical or mental abilities and limitations as they relate to the job’s essential functions and to determine possible job accommodations.
- F. Major Life Activities (Non-exhaustive list):** Caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, sitting, reaching, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, interacting with others, and working. Major life activities include the operation of major bodily functions, including functions of the immune system, special sense organs and skin, normal cell growth, digestive, genitourinary, bowel, bladder, neurological, brain, respiratory, circulatory, cardiovascular, endocrine, hemic, lymphatic, musculoskeletal, and reproductive functions. Major bodily functions also include the operation of an individual organ within a body system (i.e. the operation of the kidney, liver or pancreas).
- G. Physical or Mental Impairment:** Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more body systems, such as neurological, musculoskeletal, special sense organs, respiratory (including speech organs), cardiovascular, reproductive, digestive, genitourinary, immune, circulatory, hemic, lymphatic, skin and endocrine. They also cover any mental or psychological disorder, such as intellectual disability (formerly termed mental retardation), organic brain syndrome, emotional or mental illness, and specific learning disabilities [Section 1630.2(h)]
- H. Qualified Individual with A Disability:** A person who meets legitimate skill, experience, education, or other requirements of an employment position that s/he holds or seeks, and who can perform the “essential” functions of the position with or without reasonable accommodation.
- I. Reasonable Accommodation:** Any modification or adjustment to a job or the work environment that will enable a “qualified” applicant or employee with a disability to participate in the application process or to perform essential job functions. Examples of reasonable accommodation include: making facilities readily accessible, job restructuring, modifying work schedules, implementing flexible leave policies, reassignment to a vacant position, acquiring or modifying equipment or devices, adjusting or modifying tests, training material or policies, and providing qualified readers or interpreters.

- J. Substantial Limitation of a Major Life Activity:** To have an actual disability or to have a record of a disability, an individual must be (or have been) substantially limited in performing a major life activity as compared to most people in the general population. The following “rules of construction”, as adopted by the ADAAA, will be used when determining if an individual is substantially limited in performing a major life activity:
- An impairment need not prevent or severely or significantly limit a major life activity to be considered “substantially limiting”. However, not every impairment will constitute a disability.
 - The term “substantially limits” should be construed broadly in favor of expansive coverage to the maximum extent permitted by the terms of the ADA.
 - The determination of whether an impairment substantially limits a major life activity requires an individualized assessment.
 - The determination of disability should not require extensive analysis.
 - Although determination of whether an impairment substantially limits a major life activity as compared to most people will not usually require scientific, medical or statistical evidence, such evidence may be used if appropriate.
 - An individual need only be substantially limited, or have a record of a substantial limitation, in one major life activity to be covered under the first or second prong of the definition of “disability.”
- K. Undue Hardship:** An action that is excessively costly, extensive, substantial, or disruptive, or that would fundamentally alter the nature or operation of the business.

AMERICANS WITH DISABILITIES ACT (ADA) EMPLOYEE ACCOMMODATION REQUEST

Protection is afforded under the ADA to a qualified individual with a disability, who can perform the essential functions of the position, <i>with or without reasonable accommodation</i> .		
Instructions: Please complete the form and attach supporting documentation from your physician and a return to work authorization (as appropriate). Submit completed form to your direct supervisor.		
Name:		
Address:		
Department:	Position	
Supervisor:		
Telephone Numbers: Work:	Home:	Other:
I. Accommodation Request: Please list accommodations requested and reason for request:		
Signature:	Date:	

AMERICANS WITH DISABILITIES ACT (ADA) RESPONSE TO ACCOMMODATION REQUEST

[illegible]

APPENDIX E

ADA Title II Policy

I. PURPOSE

Title II of the American's with Disabilities Act (ADA) prohibits discrimination against qualified individuals with disabilities in all programs, activities, and services of public entities. Therefore, this policy outlines the provisions of Title II of the ADA, and the rights and obligations of citizens and the City under federal and state law.

II. POLICY

It is the policy of the City of Reedsburg to ensure that all citizens have an equal opportunity to participate in and receive the benefits of the services, programs, or activities of the City. This will be done in the most integrated setting appropriate to the needs of the qualified individual with a disability. Only where it is absolutely necessary will the City provide services, programs, or activities separately to persons with disabilities. No qualified individual with a disability shall, on the basis of said disability, be screened out of a service, program or activity. Nor, shall any individual be excluded from participation in or denied the benefits of said services, programs or activities, because of their disability.

The City is required to ensure all programs and activities are accessible, but are not required to make each and every facility accessible, as long as all programs are accessible (see *"Transition Plans"*). There are several means by which the City can make its programs readily accessible to and usable by disabled individuals, including:

- Redesigning equipment;
- Reassigning services or programs to alternative, accessible buildings;
- Assigning aides to beneficiaries;
- Providing auxiliary aids;
- Making home visits; or
- Altering existing facilities or building new facilities

The City is required to reasonably modify City-wide policies, practices or procedures to avoid discrimination. However, modifications may not be required where a particular modification would fundamentally alter the nature of the service, program or activity.

A. Reasonable Accommodation

If a reasonable accommodation is necessary to participate in the services provided by the city, please contact: City Clerk at 608-524-6404, cityhall@ci.reedsburg.wi.us. Every attempt will be made to accommodate the request.

i. Due Process

The following procedure is intended to protect the rights of interested individuals to meet appropriate due process standards and to assure that the City complies with the Americans with Disabilities Act (ADA) and the implementation regulations.

ii. Complaint Procedure

If anyone utilizing the City's facilities, programs, services or activities believes they have been discriminated against on the basis of a disability in connection with access to any City facility or programs, services or activities, they have the right to file a complaint. Complaints should be addressed to City Administrator, 134 S. Locust Street, Reedsburg, WI 53959; 608-524-6404 or admin@ci.reedsburg.wi.us, who has been designated to coordinate ADA compliance efforts.

1. A complaint should be filed in writing, utilizing the City of Reedsburg Official Complaint Form, contain the address of the person filing it, and briefly describe the alleged violation.
2. A complaint should be filed within seven days.
3. An investigation, as appropriate, shall follow a complaint filing. The investigation shall be conducted by the City Administrator or their designee, and shall afford all interested persons and their representatives, if any, an opportunity to submit evidence relevant to a complaint.
4. A written response to the complaint, and a description of the resolution, if any, shall be issued by the City Administrator and a copy forwarded to the complainant no later than fifteen days after its filing.
5. The City Clerk maintains the files and records of all ADA complaints filed with the City.
6. The complainant can request a reconsideration of the case in instances where they are dissatisfied with the resolution. The request for reconsideration should be made within seven days to the City Administrator.
7. The right of an individual to a prompt and equitable resolution of the complaint filed with the City shall not be impaired by the individual's pursuit of other remedies such as the filing of an ADA complaint with the responsible federal department or agency.

B. Self-Evaluation [This was to have been completed by 1/26/1993]

The City is required to conduct a self-evaluation, which includes a comprehensive review of current policies and practices (formal written policies and procedures and actual operating practices). Any policy or practice that does not comply with the requirements of Title II must be identified and modified to bring the policy or practice into compliance. Individuals must be provided the opportunity to submit comments pertaining to the City's effort.

The self-evaluation must be kept on file and available for public inspection for at least 3 years from the date of completion. The following must be kept on record: the individuals who participated in the self-evaluation, the areas examined, the problems discovered, and the changes made as a result.

NOTE: Consider the following Department of Justice tips when conducting a self-evaluation:

- Identify all public programs, activities and services; review all policies and practices that govern the administration of these programs; and analyze whether the policies and practices adversely affect the full participation of individuals with disabilities;
- List any physical barriers that necessitate structural changes in the transition plan;
- Determine whether any policies or practices result in the exclusion or limited participation of individuals with disabilities;
- Consider whether communication with applicants, participants and members of the public with disabilities are as effective as with others;
- Review policies to ensure inclusion of provisions for readers for individuals with vision impairments, interpreters or other alternative communications for persons with hearing impairments and note takers for persons with manual impairments;
- Review emergency evacuation procedures to ensure the procedures account for persons with disabilities;
- Ensure written and audiovisual materials portray individuals with disabilities inoffensively;
- Consider whether historic preservation program policies give priority to methods of providing physical access for all;
- Ensure decisions about whether an accommodation will result in a fundamental alteration or undue burden made properly and expeditiously;
- Ensure public meetings are open to all;
- Ensure employment practices do not discriminate based on disability;

- Provide ADA training;
- Review whether the limitation or denial of participation in programs, based on drug usage, discriminate against former drug users who have been successfully rehabilitated.

C. Transition Plan

When structural modifications to facilities are necessary in order to make a program, service, or activity accessible to people with disabilities, Cities are required to develop a facility transition plan. The transition plan was required to be completed by 7/26/92, and any required structural changes were to have been completed no later than 1/26/95, but as expeditiously as possible, which must include:

- The physical barriers which limit access to and use of the programs, services, and activities for people with disabilities, including communications features which are structural in nature;
- A detailed description of how the City plans to make the facilities accessible;
- The schedule for barrier removal;
- A yearly schedule, if the transition plan is more than one year long; and
- The name of the individual who is responsible for implementing the transition plan;

The City is required to maintain in operable working condition those features of facilities and equipment that are required to be readily accessible to and usable by persons with disabilities. This includes locked accessible doors, elevators, accessible routes which are obstructed by parked cars or furniture, and complaint signage which are obstructed from vision and touch.